

ACTS

WEST VIRGINIA

Third Extraordinary Session

1916

Handwritten signature or name, possibly "H. M. ...", in the top left corner.

From

Hon. B. M. Granger

to L. M. McClellan

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ACTS OF 1916

EXTRAORDINARY SESSION

CHAPTER 1.

(Senate Bill No. 3.)

AN ACT to amend and re-enact section ten of chapter seven of the code of West Virginia (serial section two hundred and twenty-five, code of West Virginia, edition of one thousand nine hundred and thirteen) and to prescribe the manner in which commissioners or members of the public service commission, members of the state board of control, members of the state board of regents, the state compensation commissioner, the state tax commissioner, and all members of any other state board, and heads or chiefs of any state institution or of any state department or of any state agency, whose term of office is prescribed or fixed by law, and any officer or agent whose term of office is prescribed or fixed by law, may be removed from their office or agency.

(Passed November 24, 1916. In effect ninety days from passage. Approved by the Governor, November 24, 1916.)

SEC.

10. Causes of removal of persons appointed to office; how powers of removal may be exercised; when and for what cause the **governor may remove persons appointed by himself; cause of removal from office whose term is fixed by law; method of bringing charges and serving summons; the governor to hear charges at designated place, and upon satisfactory proof, to remove from office; where records, etc., are kept until vacancy is filled; not to become effective if supreme court of appeals sets aside such removal; governor or person charged may require evidence of witnesses, and aid of circuit court may be had; failure to obey order of court, contempt; record to be**

SEC.

kept of testimony; right of person removed to present petition to supreme court of appeals, asking for setting aside of removal; method of procedure; court may suspend removal and require bond; hearing to have precedence over all matters, except contested election of certain offices; final hearing and decision of the court; governor may communicate to senate fact of removal and cause; power of senate to re-instate, but officer may be impeached for certain causes; power of governor to fill vacancy under this section; jurisdiction of supreme court of appeals to enforce; inconsistent acts repealed; section to govern removal proceedings.

Be it enacted by the Legislature of West Virginia:

That section ten of chapter seven of the code of West Virginia (serial section two hundred and twenty-five, code of West Virginia, edi-

tion of one thousand nine hundred and thirteen) be amended and re-enacted so as to read as follows:

Section 10. In cases where there is not a different provision made by law, or herein, any person appointed to an office may be removed therefrom by the person or persons having the power of appointment, for incompetency, neglect of duty, gross immorality, or malfeasance or misfeasance in office. And where the power of appointment is in one person, on the recommendation or with the consent of another or others, or where the power of appointment is in one person, by or with the advice and consent of the senate, the power of removal shall be exercised in like manner. But officers who are appointed by the governor, by and with the advice and consent of the senate, may, during the recess of the legislature, be removed by the governor, for incompetency, neglect of duty, gross immorality, or malfeasance or misfeasance in office, but only in the manner hereinafter set forth; and the governor shall not remove any commissioner or member of the public service commission, member of the state board of control, member of the state board of regents, the state compensation commissioner, the state tax commissioner, or any member of any other state board, or the head or chief of any state institution or of any state department or of any state agency, whose term of office is prescribed or fixed by law, or any officer or agent, whose term of office is prescribed or fixed by law, except for incompetency, neglect of duty, gross immorality, or malfeasance or misfeasance in office, and except in the following manner: The charges against any such officer or person hereinbefore mentioned or described shall be reduced to writing and a summons shall thereupon be issued by the governor, containing a copy of the charges and requiring such officer or person named therein to appear and answer the same on a day to be named therein, which summons may be served in the same manner as a summons commencing an action may be served, and the service must be made at least ten days before the return day thereof. And the governor shall hear the charges at a place designated by him within the state, and upon satisfactory proof thereof remove such officer or person from the discharge of the duties of his office or agency, and place the records, papers, and property of his office or agency in the possession of some other such officer or person for safekeeping until the vacancy is filled,

39 but no such removal shall become effective or final, nor shall any
40 vacancy exist in such office or agency, if the supreme court of
41 appeals shall suspend, set aside or vacate such removal as here-
42 inafter provided. In all such hearings before the governor, the
43 evidence of witnesses and the production of documentary evidence
44 may be required at any designated place of hearing by the governor,
45 at his own instance, or at the instance of such officer or person
46 against whom charges may have been brought as aforesaid; and
47 in case of disobedience to a subpoena or other process of the
48 governor, the governor or such officer or person against whom
49 charges may have been brought as aforesaid may invoke the aid
50 of any circuit court in requiring the evidence and testimony of
51 witnesses and the production of papers, books and documents, and
52 such court, in case of a refusal to obey the subpoena issued to
53 any person, shall issue an order requiring such person to appear
54 before the governor and produce all books and papers, if so
55 ordered, and give evidence touching the matter in question. Any
56 failure to obey such order of the court may be punished by such
57 court as contempt thereof. A claim that any such testimony or
58 evidence may tend to criminate the person giving the same shall
59 not excuse such witness from testifying, but such witness shall
60 not be prosecuted for any offense concerning which he is com-
61 pelled to testify. A written record shall be kept of all testimony
62 and other proceedings before the governor. Any such officer or
63 person against whom charges may have been brought as aforesaid,
64 feeling aggrieved by his removal from such office or agency by
65 the governor, may present his petition in writing to the supreme
66 court of appeals, or to a judge thereof in vacation, within thirty
67 days after such removal from such office or agency, by the gov-
68 ernor, praying for the suspension, setting aside or vacation of
69 such removal. The applicant shall deliver, or cause to be de-
70 livered, a copy of such petition to the governor; or, in case of his
71 absence from the state or from his office, shall leave, or cause to
72 be left, a copy of such petition at his office in the state capitol,
73 before presenting the same to the court, or to the judge. The
74 court, or the judge, shall fix a time for the hearing on the ap-
75 plication, but such hearing shall not be held sooner than five
76 days, unless by agreement of the parties, after the said presenta-
77 tion of said petition, and notice of the time and place of such
78 hearing shall be forthwith delivered to the governor; or, in case

79 of his absence from the state or from his office, such notice may
80 be given to him by leaving, or causing to be left, the notice, or a
81 copy thereof, at his office, in the state capitol. If the court or
82 the judge, after such hearing, be of the opinion that a suspending
83 order should issue, the court in its, or the judge in his, discretion
84 may suspend such removal, and may require bond upon such con-
85 ditions and in such penalty, and impose such terms and condi-
86 tions upon the petitioner as are just and reasonable, and the
87 court, or the judge, shall fix a time for the final hearing on the
88 application. The hearing of the matter shall take precedence over
89 all other matters before the court, except contested elections of
90 secretary of state, auditor, treasurer, attorney general, state su-
91 perintendent of free schools, commissioner of agriculture, or of a
92 judge of the supreme court of appeals or a judge of a circuit
93 court, and except any pending hearing relating to the removal of
94 the secretary of state, auditor, treasurer, attorney general, state
95 superintendent of free schools, or commissioner of agriculture.
96 For such final hearing, and before the day fixed therefor, the
97 governor shall file with the clerk of the said supreme court of
98 appeals, all papers, documents, testimony, evidence, and records,
99 or certified copies thereof, as were before him at the hearing
100 resulting in such removal from which the petitioner appeals, and
101 shall also file with said clerk of said court a written statement
102 of the cause and his reasons for making such removal; and, after
103 argument by counsel, the court shall decide the matter in con-
104 troversy, both as to the law and the evidence, as may seem to
105 it to be just and right, and may permanently suspend, set aside
106 and vacate such removal, and restore such officer or person to
107 his office or agency; and in case such removal be not suspended,
108 set aside or vacated by the supreme court of appeals, the gov-
109 ernor, in case of the removal of any officer appointed by or with
110 the advice and consent of the senate, shall communicate to the
111 senate immediately after the beginning of its next session, the
112 fact of the removal and the cause thereof; and if the senate
113 by resolution disapprove of the removal, the officer removed shall
114 be thereby reinstated in his office. *Provided, nevertheless,* That
115 any such officer or person may be impeached for any of the
116 causes mentioned in section nine of article four of the constitution,
117 and if convicted thereof, may be removed from office and dis-
118 qualified to hold an office of honor, trust or profit under the
119 state. The governor shall have the power and authority to fill

120 any vacancy created under this section. The supreme court of
121 appeals is hereby given jurisdiction to enforce the provisions of
122 this section by writ of prohibition, mandamus and certiorari,
123 as may be appropriate.

124 All acts and parts of acts, and statutes and parts of statutes,
125 and provisions of the code, inconsistent herewith or coming with-
126 in the purview of this section are hereby repealed, and this sec-
127 tion as herein amended and re-enacted shall apply to and affect
128 all removal proceedings instituted before or after this section as
129 herein amended and re-enacted takes effect.

CHAPTER 2

(Senate Bill No. 4.)

AN ACT to amend and re-enact section fifteen of chapter six of the code of West Virginia (serial section two hundred and twelve, code of West Virginia, edition of one thousand nine hundred and thirteen) and to prescribe the manner of determining and deciding contested elections of secretary of state, auditor, treasurer, state superintendent of free schools, attorney general, commissioner of agriculture, or of a judge of the supreme court of appeals, or a judge of a circuit court.

(Passed November 25, 1916. In effect ninety days from passage. Approved by the Governor, November 25, 1916.)

SEC.
15. Special court to act in case of contested election of certain officers; how constituted, and method of procedure; compensation; evidence of witnesses may be required; may invoke aid of circuit court; record to be kept of all testimony; right of either party to contest to petition supreme court of appeals for setting aside of decision; time for hearing petition; notice to be given to other

SEC.

party to contest; court may suspend final decision and require bond; court then to fix time for final hearing; hearing to have precedence over all other matters; final hearing; matter to be decided as to law and evidence; supreme court of appeals given jurisdiction to enforce; inconsistent acts repealed; section to govern contested election proceedings.

Be it enacted by the Legislature of West Virginia:

That section fifteen of chapter six of the code of West Virginia (serial section two hundred and twelve, code of West Virginia, edition of one thousand nine hundred and thirteen) be amended and re-enacted so as to read as follows:

Section 15. Where the election of secretary of state, auditor,
2 treasurer, state superintendent of free schools, attorney general,
3 commissioner of agriculture, or of a judge of the supreme court
4 of appeals, or of a circuit court, is contested, the case shall be

5 heard and decided by a special court constituted as follows: The
6 contestee shall select one, the contestant another, and the governor
7 a third person, who shall preside in said court; and the three, or
8 any two of them, shall meet at a time and place within the state
9 to be appointed by the governor, and being first duly sworn im-
10 partially to decide according to law and the truth upon the peti-
11 tion, returns and evidence to be submitted to them, shall proceed
12 to hear and determine the case and certify their decision thereon
13 to the governor. They shall be entitled to the same pay and mile-
14 age as members of the legislature, to be paid out of the treasury
15 of the state, and said special court is hereby given authority to
16 employ a stenographer at a reasonable compensation to be also
17 paid out of the treasury of the state. In all hearings or proceed-
18 ings before said special court, the evidence of witnesses and the
19 production of documentary evidence may be required at any des-
20 ignated place of hearing by such special court, or any member
21 thereof; and in case of disobedience to a subpoena or other process
22 of said special court, or any member thereof, said special court, or
23 any member thereof, or either of the parties to such contest, may
24 invoke the aid of any circuit court in requiring the evidence and
25 testimony of witnesses and the production of papers, books and
26 documents. And such court, in case of a refusal to obey the sub-
27 poena issued to any person, shall issue an order requiring such
28 person to appear before such special court and produce all books
29 and papers, if so ordered, and give evidence touching the matter
30 in question. Any failure to obey such order of the court may be
31 punished by such court as contempt thereof. A claim that any
32 such testimony or evidence may tend to criminate the person giving
33 the same shall not excuse such witness from testifying, but such
34 witness shall not be prosecuted for any offense concerning which
35 he is compelled to testify. A written record shall be kept of all
36 testimony and other proceedings before said special court. Either
37 party to such contest feeling aggrieved by the final decision of such
38 special court may present his petition, in writing to the supreme
39 court of appeals, or to a judge thereof in vacation, within thirty
40 days after such final decision is certified to the governor, as here-
41 inbefore provided, praying for the suspension, setting aside, or va-
42 cation of such final decision. The applicant shall deliver, or cause
43 to be delivered, a copy of such petition to the other party to such
44 contest, or, in case of his absence from the state or from his usual
45 place of abode, he shall mail, or cause to be mailed, a copy of

46 such petition addressed to him at his last known post office ad-
47 dress, before presenting the same to the court, or the judge. The
48 court, or the judge, shall fix a time for the hearing on the applica-
49 tion, but such hearing shall not be held sooner than five days, unless
50 by agreement of the parties, after the said presentation of said
51 petition, and notice of the time and place of such hearing shall
52 be forthwith delivered to the other party to such contest, or, in
53 case of his absence from the state or from his usual place of abode,
54 such notice may be given to him by mailing, or causing to be
55 mailed, the same, or a copy thereof, addressed to him at his last
56 known post office address. If the court, or the judge, after such
57 hearing, be of the opinion that a suspending order should issue,
58 the court in its, or the judge in his, discretion, may suspend such
59 final decision and may require bond upon such conditions and in
60 such penalty, and impose such terms and conditions upon the pe-
61 titioner as are just and reasonable, and the court, or the judge,
62 shall fix a time for the final hearing on the application. The hear-
63 ing of the matter shall take precedence over all other matters be-
64 fore the court. For such final hearing and before the
65 day fixed therefor, the said special court shall file with
66 the clerk of said supreme court of appeals, all papers, documents,
67 testimony, evidence, and records, or certified copies thereof, as
68 were before it at the hearing resulting in the final decision from
69 which the petitioner appeals, together with a copy in writing of its
70 final decision; and, after argument by counsel, the court shall de-
71 cide the matter in controversy, both as to the law and the evidence,
72 as may seem to it to be just and right. The supreme court of
73 appeals is hereby given jurisdiction to enforce the provisions of
74 this section by writ of prohibition, mandamus and certiorari as
75 may be appropriate.

76 All acts and parts of acts, and statutes and parts
77 of statutes, and provisions of the code, inconsistent herewith or
78 coming within the purview of this section are hereby repealed,
79 and this section as herein amended and re-enacted shall apply to
80 and affect all contested election proceedings of said officers insti-
81 tuted before or after this section as herein amended and re-enacted
82 takes effect.

CHAPTER 3

(Senate Bill No. 5.)

AN ACT to amend and re-enact section thirteen of chapter six of the code of West Virginia (serial section two hundred and ten, code of West Virginia, edition of one thousand nine hundred and thirteen) and to prescribe the manner and time of giving notice, with specifications and affidavit, return notice, taking of depositions, and transmission and delivery thereof, and prescribing regulations, where the election of governor, secretary of state, auditor, treasurer, state superintendent of free schools, attorney general, commissioner of agriculture, a judge of the supreme court of appeals or a judge of a circuit court, be contested.

(Passed November 25, 1916. In effect ninety days from passage. Approved by the Governor, November 25, 1916.)

SEC.

13. If election of certain officers be contested, contestant to give notice with specifications and affidavit, to person whose election is contested; manner and time of giving notice; time notice must be returned; when depositions shall be finished; to

SEC.

be transmitted to clerk of house of delegates, then to joint committee or special court; regulations of chapter six of code of West Virginia, as to contest for legislative seat, to be observed, if applicable.

Be it enacted by the Legislature of West Virginia:

That section thirteen of chapter six of the code of West Virginia (serial section two hundred and ten, code of West Virginia, edition of one thousand nine hundred and thirteen) be amended and re-enacted so as to read as follows:

Section 13. If the election of governor, secretary of state, 2 treasurer, auditor, state superintendent of free schools, attorney 3 general, commissioner of agriculture, a judge of the supreme court 4 of appeals, or a judge of a circuit court, be contested, the con- 5 testant must give notice, with specifications and affidavit, to the 6 person whose election is contested, within sixty days after the 7 day upon which the election was held, in case the election of 8 governor, secretary of state, treasurer, auditor, state superinten- 9 dent of free schools, attorney general, or commissioner of agri- 10 culture, be contested, and within forty-five days after the day upon 11 which the election was held in case the election of a judge of the 12 supreme court of appeals, or a judge of a circuit court, be con- 13 tested; and within thirty days thereafter the return notice must 14 be given to the contestant. The parties shall finish taking depo- 15 sitions within forty days after the last mentioned notice is 16 delivered. The depositions shall be transmitted to the clerk of

17 the house of delegates, to be delivered by him to the joint com-
 18 mittee or special court hereinafter provided for. In other re-
 19 spects the regulations contained in this chapter respecting con-
 20 tests for a seat in the legislature shall be observed, so far as they
 21 are applicable.

CHAPTER 4

(Senate Bill No. 6.)

AN ACT to amend and re-enact section nine of chapter seven of the code of West Virginia (serial section two hundred and twenty-four, code of West Virginia, edition of one thousand nine hundred and thirteen) and to prescribe the manner in which the secretary of state, auditor, treasurer, attorney general, state superintendent of free schools, and commissioner of agriculture may be removed from office, during the recess of the legislature, by the governor.

(Passed November 25, 1916. In effect ninety days from passage. Approved by the Governor, November 25, 1916.)

SEC.

9. Power of governor to remove certain state officers during recess of the legislature; manner of bringing charges and serving summons; governor to hear charges at designated place, and upon satisfactory proof to remove person from office, and place records with some other officer; supreme court of appeals may suspend removal; evidence of witness and documents may be required at hearing, and governor or person charged may invoke aid of circuit court in requiring testimony; failure to obey order of court, contempt; witness not liable to prosecution for testimony given; right of person charged to petition

SEC.

supreme court of appeals for setting aside of removal; time for hearing, and notice of time and place to be delivered to governor; court may suspend removal and require bond; time fixed for final hearing; to have precedence over all matters, except contested election of certain officers; final hearing and decision, as to law and evidence; governor may communicate to next session of legislature, fact of removal and cause; power of legislature to re-instate; supreme court of appeals given jurisdiction to enforce provisions of section; inconsistent acts repealed; section as amended to govern removal proceedings.

Be it enacted by the Legislature of West Virginia:

That section nine of chapter seven of the code of West Virginia (serial section two hundred and twenty-four, code of West Virginia, edition of one thousand nine hundred and thirteen) be amended and re-enacted so as to read as follows:

Section 9. That the secretary of state, auditor, treasurer, attorney general, state superintendent of free schools and commissioner of agriculture may, for official misconduct, incompetence, neglect of duty or gross immorality, be removed from office during the recess of the legislature by the governor, but only in the following man-

6 ner: The charges against such officer or person shall be reduced
7 to writing, and a summons shall thereupon be issued by the gov-
8 ernor, containing a copy of the charges and requiring such officer
9 or person named therein to appear and answer the same on a
10 day to be named therein, which summons may be served in the
11 same manner as a summons commencing an action may be served,
12 and the service must be made at least ten days before the return
13 day thereof. And the governor shall hear the charges at a place
14 designated by him within the state, and upon satisfactory proof
15 thereof remove such officer or person from the discharge of the
16 duties of his office, and place the records, papers, and property of
17 his office in the possession of some other officer for safekeeping
18 until the vacancy is filled; but no such removal shall become
19 effective or final, nor shall any vacancy exist in such office, if the
20 supreme court of appeals shall suspend, set aside or vacate such
21 removal as hereinafter provided. In all such hearings before
22 the governor, the evidence of witnesses and the production of
23 documentary evidence may be required at any designated place
24 of hearing by the governor, at his own instance or at the instance
25 of such officer or person against whom charges may have been
26 brought as aforesaid; and in case of disobedience to a subpoena
27 or other process of the governor, the governor, or such officer
28 or person against whom charges may have been brought as afore-
29 said, may invoke the aid of any circuit court in requiring the
30 evidence and testimony of witnesses and the production of papers,
31 books and documents, and such court, in case of a refusal to
32 obey the subpoena issued to any person, shall issue an order re-
33 quiring such person to appear before the governor and produce
34 all books and papers, if so ordered, and give evidence touching
35 the matter in question. Any failure to obey such order of the
36 court may be punished by such court as contempt thereof. A
37 claim that any such testimony or evidence may tend to criminate
38 the person giving the same shall not excuse such witness from
39 testifying, but such witness shall not be prosecuted for any
40 offense concerning which he is compelled to testify. A written
41 record shall be kept of all testimony and other proceedings be-
42 fore the governor. Any such officer or person against whom
43 charges may have been brought as aforesaid, feeling aggrieved by
44 his removal from office by the governor, may present his petition
45 in writing to the supreme court of appeals, or to a judge thereof

46 in vacation, within thirty days after such removal from office
47 by the governor, praying for the suspension, setting aside or
48 vacation of such removal. The applicant shall deliver, or cause
49 to be delivered, a copy of such petition to the governor, or, in
50 case of his absence from the state or from his office, shall leave,
51 or cause to be left, a copy of such petition at his office in the
52 state capitol, before presenting the same to the court, or the judge.
53 The court, or the judge, shall fix a time for the hear-
54 ing on the application, but such hearing shall not be
55 held sooner than five days, unless by agreement of the parties,
56 after the said presentation of said petition, and notice of the
57 time and place of such hearing shall be forthwith delivered to
58 the governor, or, in case of his absence from the state or from
59 his office, such notice may be given to him by leaving, or causing
60 to be left, the notice, or a copy thereof, at his office in the state
61 capitol. If the court, or the judge, after such hearing, be of
62 the opinion that a suspending order should issue, the court in
63 its, or the judge in his, discretion may suspend such removal and
64 may require bond upon such conditions and in such penalty,
65 and impose such terms and conditions upon the petitioner as
66 are just and reasonable, and the court, or the judge, shall fix
67 a time for the final hearing on the application. The hearing of
68 the matter shall take precedence over all other matters before
69 the court, except contested elections of secretary of state, auditor,
70 treasurer, attorney general, state superintendent of free schools,
71 commissioner of agriculture, or of a judge of the supreme court
72 of appeals or a judge of a circuit court. For such final hearing,
73 and before the day fixed therefor, the governor shall file with
74 the clerk of the said supreme court of appeals, all papers, docu-
75 ments, testimony, evidence and records, or certified copies thereof,
76 as were before him at the hearing resulting in such removal from
77 which the petitioner appeals, and shall also file with said clerk
78 of said court a written statement of the cause and his reasons for
79 making such removal; and after argument by counsel, the court
80 shall decide the matter in controversy, both as to the law and the
81 evidence, as may seem to it to be just and right, and may perma-
82 nently suspend, set aside and vacate such removal and restore
83 such officer or person to his office; and in case such removal be
84 not suspended, set aside or vacated by the supreme court of
85 appeals, the governor shall communicate to the legislature, im-
86 mediately after the beginning of its next session, the fact of the

87 removal and the cause thereof; and if the legislature by joint
88 resolution disapprove of the removal, the officer removed shall
89 be thereby reinstated in his office. The supreme court of appeals
90 is hereby given jurisdiction to enforce the provisions of this sec-
91 tion by writ of prohibition, mandamus and certiorari as may be
92 appropriate.

93 All acts and parts of acts, and statutes and parts of statutes,
94 and provisions of the code inconsistent herewith or coming within
95 the purview of this section are hereby repealed, and this section as
96 herein amended and re-enacted shall apply to and affect all
97 removal proceedings instituted before or after this section as
98 herein amended and re-enacted takes effect.

CHAPTER 5

(Senate Bill No. 7.)

AN ACT to revise, amend and re-enact chapter twenty-six of the acts of one thousand nine hundred and fifteen, laws of West Virginia, concerning primary elections, the nomination of candidates, the regulation of political parties and party committees, and to repeal conflicting laws.

(Passed November 28, 1916. In effect ninety days from passage. Approved by the Governor, December 2, 1916.)

SEC.

1. Hereafter all state, district and county executive committees, delegates to national conventions to be chosen, all candidates of political parties (except for judges of courts), and candidates to be voted for at special elections to fill vacancies, presidential candidates and electors, candidates for office in cities, towns or villages of less than ten thousand, shall be nominated at a direct primary election, in accordance with this act; "municipality" defined; "political party" defined.
2. Primary elections, other than municipal, to be held in each election precinct on last Tuesday in May before general election for President; all other years, first Tuesday in August, to be known as May and August primaries; notice of primary election to be published in each county of state; what papers to receive publication and length of time; secretary of state to prepare and publish such statement; how expense shall be paid; primary for municipalities fixed by ordinance; exceptions; time of opening and closing polls.

SEC.

3. State executive committee for each political party to be chosen at May primary; each senatorial district to have two; state committee elected to appoint three additional committeemen at large; a congressional, judicial and senatorial and county committee; how chosen and exceptions as to cities of over ten thousand; members to reside in territory chosen; how parties polling less than ten per cent of total vote for governor at next preceding election, or any group of citizens, may nominate candidates and committees; terms of committeemen; vacancies; how filled; organization of executive committees, how effected; committees now in office to exercise powers until successors are chosen in accordance with this act.
4. County court at regular or special session, second Tuesday of month preceding primary election, to appoint commissioners and clerks; qualifications of commissioners and clerks; how selected; duty of court when executive committee submits writing; who eligible to act as commissioner or poll clerk;

SEC.

- what may be done on failure of any commissioner or poll clerk to appear at hour appointed; what to be done if none appear; list of commissioners and poll clerks shall be published in two newspapers of opposite politics.
5. County executive committee, or chairman, to name primary ballot commissioner; clerk of circuit court third member; action in case of failure to serve.
 6. Clerk of county court to deliver to one commissioner in each precinct, certified list of registered voters, and also affirmation books used at last preceding primary election, and blank affirmation books called for in section 13, of this act; what books are to contain, and heading; duty of clerk as to listing voters; clerk of county court to furnish booths, ballot boxes, etc.
 7. Oaths to be taken and subscribed by commissioners and clerks; forms to be used; for purposes of this act, all commissioners of election are authorized to administer oaths.
 8. Announcements of candidates; for an office to be filled by voters of more than a county, a certificate with the secretary of state; for a county or sub-division less than a county, with the clerk of the circuit court; form of certificate to be sworn to; qualification of candidate for nomination to office.
 9. Thirty days before day fixed for general primary election, secretary of state to arrange names of candidates and certify same under lesser seal; duplicate copies to go by registered mail to clerk of circuit court in each county in which candidates are to be voted for; shall also post list; what may be done in case of emergency; what lists shall contain.
 10. Separate ballot for candidates of each party and on different colored paper; secretary of state to select paper; same to be used as sample ballots; names not to be certified unless assessments are paid.
 11. Fifteen days before primary election, ballot commissioners to prepare official primary ballot and same to be published; ballots to be printed and circulated in same manner as for general election.
 12. Description of official ballot and how names of candidates shall be arranged; form of ballot; how names shall appear on ballot; quality of paper and style of type to be used.
 13. Method of voting; book to be signed by voter, and what to contain; oath or affirmation; what to be done with book and affidavits, as provided in section 83 of chapter 3, of the code; penalty for making false affidavit; ballots, how voted; duty

SEC.

- of clerks; what to be done in case of illiterate vote.
14. When polls are closed primary election officers shall: 1st—destroy all ballots not voted; 2nd—ascertain the total number of ballots of each party cast; 3rd—count the ballots; method prescribed; 4th—make out and sign certificates of the vote for all parties; form of certificate, and what to be done with same; penalty for failure, neglect or refusal to prepare and return certificates.
 15. Duty of primary ballot commissioners to appoint one commissioner at each precinct to receive ballots, etc.; compensation allowed; provision for special messenger in certain cases; compensation.
 16. In case of accident or casualty to ballot boxes, poll books or other supplies, what to be done.
 17. Duty of commissioner appointed to receive ballots, and what to be done in case he cannot act.
 18. The county court as a canvassing board to meet on Friday next succeeding any general primary election, and canvass returns; result of canvass and form of certificate; report when entered to be signed by canvassing board, or a majority.
 19. Certificates of board of canvassers; how disposed of; one to the secretary of state for offices to be filled by voters of a political division greater than a county; one showing vote for candidates of each party of the county or magisterial district to be filed with the clerk of the circuit court; one to each political party if so requested; duty of secretary of state as to issuing certificates.
 20. Vacancies in nominations to be filled by executive committee; what to be done in case of a tie.
 21. Assessment of candidates; how paid as to candidates of a political division greater than a county; how paid for offices to be filled by voters of a county or district; secretary of state to apportion amounts paid among counties and to be applied for expenses of said general primary election; balance, if any, goes to county fund; fees as to municipalities.
 22. Right of appeal from board of canvassers is to the circuit court; contests to be governed by provisions of chapter 6 of the code.
 23. Expense of general primary election to be paid by county court same as other election expenses; no compensation for members of committees; candidates for public office may be nominated otherwise than by direct primary election or by convention; how national political parties casting less than ten per cent of total vote for governor in 1912, may nominate candidates;

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| <p>SEC. number of signatures required; no person qualified to sign certificate who participated in direct primary election; violation, a felony; time for filing certificate; form of certificate.</p> <p>24. Chapters 3 and 5 of the code, not in conflict, to apply.</p> <p>25. Penalties, against primary election officer, member of political committee or other person for failure to perform duty; to tamper with, change or destroy any ballot, etc., a felony; penalty.</p> <p>26. No candidate eligible unless having filed affidavit required by corrupt practices act.</p> <p>27. State executive committee may make rules not inconsistent with law, reviewable by the courts; how national committeemen are to be selected; vacancies in national committee and how filled; nothing in this chapter to prohibit political sub-committees for campaign work.</p> <p>28. Municipal executive committees to exercise similar functions and</p> | <p>SEC. governed as county committees; municipalities to pay election expenses.</p> <p>29. Provision for state meeting to formulate platform, to be held between first and fifteenth of August; candidates for judge or judges of the supreme court of appeals to be then nominated; candidates for judges circuit, intermediate and criminal courts to be nominated by similar conventions in their respective circuits and counties; county committees to adopt rules to govern such conventions.</p> <p>30. Candidate receiving plurality vote to be declared nominee of his party.</p> <p>31. In presidential election years to vote on choice for President; names of aspirants to appear on primary ballot, and same rules to govern; candidates for delegate or alternate to national convention to file statement with announcement.</p> <p>32. Inconsistent acts repealed.</p> |
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Be it enacted by the Legislature of West Virginia:

Section 1. Hereafter the members of all state executive
 2 committees, all district executive committees, and county ex-
 3 ecutive committees, and delegates to national conventions of every
 4 political party except as hereinafter provided, shall be
 5 chosen, and all candidates of political parties to be
 6 voted for by the people, except candidates for judges
 7 of the supreme court of appeals, candidates for judges of the
 8 circuit court and candidates for judge of the criminal or inter-
 9 mediate court, and such candidates as are to be voted for at
 10 special election to fill vacancies, presidential electors, and candi-
 11 dates for office to be filled by cities, towns or villages of less than
 12 ten thousand inhabitants) shall be nominated at a direct primary
 13 election, held in accordance with this act.

14 For the purpose of this act a municipality shall be taken
 15 to be an incorporated town or city of not less than ten thousand
 16 inhabitants. A political party shall be taken to be an affiliation
 17 of electors representing a political party or organization, which
 18 at the last preceding general election polled for its candidates for
 19 governor, at least one per cent. of the total vote cast for that office
 20 in the state.

Sec. 2. Primary elections for the purposes of this act, other
 2 than for nominating municipal candidates, shall be held in each
 3 election precinct in the state on the last Tuesday in May, next
 4 before the general election in the year in which a president of

5 the United States is to be elected; and in all other years, on the
6 first Tuesday in August, next before every general election; and
7 be known and designated as the May and August primaries, re-
8 spectively. The time of holding any such general primary elec-
9 tion, and a statement describing the object thereof, shall be pub-
10 lished in two newspapers—if there be—of the two opposite parties
11 which polled the largest number of votes at the preceding general
12 election, and published in each county of the state, of general cir-
13 culation therein, once a week for two successive weeks next pre-
14 ceding the date of any such primary election. It shall be the
15 duty of the secretary of state to prepare and publish such state-
16 ment, and the expense of such publication shall be paid out of the
17 fees provided for in section twenty-one of this act. The time for
18 holding primaries for the purpose of nominating municipal can-
19 didates shall be fixed by charter or ordinance of the respective
20 municipalities; *provided*, that no such municipal primary shall be
21 held on the same day of the general primary, nor less than twenty-
22 five days immediately preceding the corresponding municipal elec-
23 tion. *Provided, further*, that any municipality or incorporated
24 city of less than thirty thousand, or borough, may, by the amend-
25 ment of its charter, or by ordinance adopted by its council, adopt
26 some other plan or method for the nomination of candidates and
27 the choosing of political party committeemen. At all primary
28 elections the polls shall be opened at six-thirty o'clock, A. M.
29 and closed at thirty minutes after six o'clock, P. M., eastern stand-
30 ard time. Said primary shall be conducted in one room at the
31 regular voting place in each precinct.

Sec. 3. For the purposes of this act, there shall be chosen
2 at the May primary for each political party, as hereinafter pro-
3 vided, a state executive committee consisting of two members
4 from each senatorial district, to be selected by the party voters
5 in such district, and who shall not be residents of the same county;
6 *provided, however*, that the committee elected shall appoint three
7 additional committeemen at large; a congressional executive com-
8 mittee, a judicial committee, and a state senatorial executive com-
9 mittee for each of the respective congressional, judicial and state
10 senatorial districts, each committee to consist of one member from
11 each county in the respective districts, to be elected by the party
12 voters of such county; and a county executive committee, con-
13 sisting of two members from each magisterial district therein,
14 except that in any county containing a city of ten thousand or

15 more population there shall be chosen one member of the com-
16 mittee from each ward of such city in addition to the members
17 chosen from the magisterial district in which such city is situated.
18 All members of executive committees selected for each po-
19 litical division, as herein provided, shall reside within the coun-
20 ty or district, senatorial or magisterial, from which chosen; *pro-*
21 *vided, however,* that any political party which polled less than ten
22 per cent of the total vote cast for governor at the next preceding
23 general election, or any group of citizens, may nominate candidates
24 and elect committees for any political division either by party
25 conventions or in accordance with the provisions of section twenty-
26 three of this act.

27 The term of office of all committeemen so elected shall be-
28 gin on the fifteenth day of June, succeeding said May primary,
29 and shall continue for four years thereafter and until their suc-
30 cessors are elected and qualified. Vacancies in the state executive
31 committee shall be filled by the members of the committee for
32 the unexpired term. Vacancies in the congressional, judicial,
33 senatorial and county executive committees shall be filled by the
34 executive committee of the county in which such vacancy exists,
35 and shall be for the unexpired term.

36 As soon as possible after the fifteenth of June, succeeding
37 the selection of the new executive committees as herein provided,
38 they shall convene within their respective political divisions, on
39 the call of the chairman of corresponding outgoing executive com-
40 mittees, and proceed to select a chairman, a treasurer, and a sec-
41 retary, each of which officers shall for their respective commit-
42 tees perform the duties that usually appertain to such offices.

43 The various executive committees and officers thereof, now
44 in existence, shall exercise the powers and possess the duties here-
45 in prescribed until their successors are chosen in accordance with
46 this act.

Sec. 4. The county court of every county shall hold a regular
2 or special session at the court house of their county, on the sec-
3 ond Tuesday of the month preceding the month in which any
4 primary election is to be held, and shall appoint three qualified
5 voters as commissioners of election, and two poll clerks, for each
6 precinct in their county, who shall be legal voters in such pre-
7 cinct. Said commissioners and poll clerks shall be persons of
8 good standing and character, and not addicted to drunkenness.
9 They shall be selected from the two political parties which at the

10 last preceding general election cast the highest number of votes
11 in the county in which the election is to be held, and not more
12 than two of said commissioners shall belong to the same political
13 party. But if at any time during said session the county execu-
14 tive committee of either political party from which said commis-
15 sioners of election and poll clerks are to be selected or appointed,
16 as hereinafter provided for, shall present to said court a writing
17 signed by them, or by the chairman of said committee on their
18 behalf, requesting the appointment of a qualified voter of their
19 political party for commissioner and poll clerk, respectively, and
20 who is otherwise qualified to act as such under the provisions of
21 this act, it shall be the duty of the county court to appoint the
22 person so named in such writing as such commissioner and poll
23 clerk. No person shall be eligible to appointment as commis-
24 sioner or poll clerk, or in any way to act as such, who has any-
25 thing of value bet or wagered on the result of such primary
26 election or has received a promise, agreement or understanding
27 that he is to receive appointment as deputy from any candidate
28 to be voted for at such primary election, or has any agreement,
29 understanding or arrangement that he shall receive any sum of
30 money or any portion of the salary, fees or emoluments of any
31 office, for which any candidate is to be voted for, at said primary
32 election, should said candidate be nominated at such primary
33 election and elected to such office at the ensuing general elec-
34 tion, or who is a candidate to be voted for at such primary elec-
35 tion.

36 If any of the commissioners of election and poll clerks so
37 selected shall fail to appear at the hour appointed for the open-
38 ing of the polls, the remainder of the commissioners may select
39 a commissioner and poll clerk, if necessary, who shall be of the
40 same political party as the absent commissioner or poll clerk; but
41 if the qualified voters of the party of such absent commissioner
42 or poll clerk, present at the polls, shall nominate a voter having
43 the same qualifications to act under the provisions of this sec-
44 tion, for commissioner or poll clerk, or both if necessary, such
45 nominee or nomineesc shall be appointed. If none of the commis-
46 sioners of election or poll clerks appear at the hour appointed for
47 opening the polls, the qualified voters present, being at least
48 ten in number, shall elect three commissioners of election, and
49 two poll clerks, to act in their stead, by a viva voce vote; not
50 more than two of such commissioners and one poll clerk shall be

51 long to or be elected by the same political party, as herein pro-
52 vided for.

53 A list of all commissioners and poll clerks appointed by the
54 county court as herein provided, shall be published in two newspa-
55 pers of general circulation in the county, of opposite politics, if
56 such there be, for at least two weeks prior to such general pri-
57 mary election.

Sec. 5. The said county executive committees, or the chair-
2 men thereof, mentioned in section four of this chapter, shall on or
3 before the second Tuesday next preceding the month in which
4 any primary election is to be held, name a member of their re-
5 spective parties, as a primary ballot commissioner, who, together
6 with the clerk of the circuit court, shall constitute a board of
7 primary ballot commissioners for such primary election. If any
8 person so named fails or refuses to serve as such ballot commis-
9 sioner, the vacancy shall be filled by the chairman of the executive
10 committee.

Sec. 6. The clerk of the county court shall provide and
2 cause to be delivered to one of said commissioners in each of the
3 several election precincts of said county at least three days previous
4 to any primary election, a duly certified copy of the list of registered
5 voters for their respective precincts; also the affirmation books
6 used at the respective precincts at the last preceding primary elec-
7 tion; also the blank affirmation book called for in section
8 thirteen of this act, which blank book shall have pages ar-
9 ranged for signing names alphabetically, with columns for
10 entering place of residence, street and number; also proper poll
11 books bearing on the front page of each the following head:
12 "Names of persons voting for candidates, at precinct number
13 in the district of in the county of
14this day of, in
15 the year" Said poll books shall have columns headed
16 respectively, "Number of Voters;" "Names of Voters;" "Resi-
17 dence of Voters;" "Party Affiliation." The oath of commis-
18 sioners of election and poll clerks shall be written or printed on
19 said poll books and two copies of said poll books supplied for
20 each voting precinct for each political party as represented at the
21 same. Each clerk shall list the name of each voter in the proper
22 poll book, and properly set out the information as to each indi-
23 cated in the heading of the column in said poll books. The
24 said clerk of the county court shall also furnish proper booths

25 and ballot boxes as provided at general elections; and also strong
26 and durable envelopes for return, and whatever else is necessary
27 for holding the primary election and making due return thereof,
28 as herein provided.

Sec. 7. Each commissioner and clerk of said primary elec-
2 tion before entering upon the discharge of his duties shall take
3 and subscribe the following oath:

Oath of Commissioner.

4 State of West Virginia,

5County, ss:

6 I, do solemnly swear that
7 I will support the constitution of the United States and the
8 constitution of this state; that I will faithfully and impartially
9 discharge the duties of commissioner of primary election as-
10 signed by law; that I will not knowingly permit any person to
11 vote who is not qualified, and will not knowingly refuse the vote
12 of any qualified voter, or cause any delay to persons offering to
13 vote further than is necessary to procure satisfactory informa-
14 tion of the qualifications of such person as a voter; and I have
15 been a resident of the state of West Virginia for one year, and
16 of the county and magisterial district and of the precinct in
17 which I am to act as commissioner of primary election,
18 for sixty days next preceding this date; and that I will not dis-
19 close nor communicate to any person how any voter has voted at
20 such election, nor how any ballot has been folded, marked,
21 printed or stamped; that I have nothing of value bet or wagered
22 upon the result of said election or have received a promise, agree-
23 ment or understanding that I am to receive appointment as dep-
24 uty from any candidate to be voted for at such primary election,
25 or have any agreement, understanding or arrangement that I
26 shall receive any sum of money or any portion of the salary, fees
27 or emoluments of any office, for which any candidate is to be
28 voted for at said primary election, should said candidate be
29 nominated at such primary election and elected to such office at
30 the ensuing general election, and am not a candidate at this elec-
31 tion. So help me God.

32
33 Subscribed and sworn to before me this.....day of.....
34

Oath of Poll Clerk.

35 State of West Virginia,
 36County, ss.:
 37 I., do solemnly swear that I will
 38 faithfully and honestly discharge my duties as clerk of the pri-
 39 mary election now about to be held in precinct No.
 40 in the district of, county of
 41 state of West Virginia, and that I will not disclose nor commu-
 42 nicate to any person how any elector voted, nor how any ballot
 43 was folded, marked, printed or stamped, nor have I a promise,
 44 agreement or understanding that I am to be appointed as deputy
 45 by any candidate voted for at such primary election, or have
 46 an agreement, understanding or arrangement that I am to re-
 47 ceive any sum of money or any portion of the salary, fees or emol-
 48 uments from any office for which any candidate is to be voted
 49 for at said primary election, should such candidate be nominated
 50 at such primary election, and elected at the ensuing general elec-
 51 tion.

52
 53 Subscribed and sworn to before me this....day of.....
 54

55 Said oaths may be taken before any person authorized to
 56 administer oaths, but if no such person be present at any place
 57 of holding any primary election, they may be taken before, and
 58 administered by, one of the commissioners of such election so
 59 appointed, who in turn may take the same before another of
 60 said commissioners. Either of said commissioners may admin-
 61 ister the oath to the poll clerks. For the purposes of this act all
 62 commissioners of election are authorized to administer oaths.

Announcement of Candidates.

Sec. 8. Any person who is eligible to hold any office (includ-
 2 ing member of a state or a county executive committee) may file
 3 with the secretary of state, if it be an office to be filled by the
 4 voters of more than one county, or with the clerk of the cir-
 5 cuit court, if it be for an office to be filled by the voters of a
 6 county or a sub-division less than a county, a certificate declaring
 7 himself a candidate for the nomination for such office, which
 8 certificate shall be in form or effect as follows:

9 I,, hereby certify that I am

10 a candidate for the nomination for the office of.....
 11 to represent party, and desire my name
 12 printed on the official ballot of said party to be voted at the pri-
 13 mary election to be held on the day of.....
 14 19....; that I am a legally qualified voter of the county of
 15state of West Virginia; that my residence is
 16 numberofstreet, in the
 17 city (or town) of..... in
 18 county, in said state; that I am eligible to hold the said office;
 19 that I am a member of and affiliated with said political party;
 20 that I am a candidate for said office in good faith.

21
 22 (Signature of Candidate)

23 Subscribed to and acknowledged before me this.....
 24 day of, 19....

25
 26 (Signature of officer taking acknowledgement.)

27 Such announcement shall be signed and acknowledged by
 28 the candidate before some officer qualified to administer oaths,
 29 who shall certify the same; *provided*, that no person may be a
 30 candidate for nomination to office in any political party, unless
 31 it be openly known that such person is a bona fide member of
 32 such party.

Sec. 9. Within thirty days before the day fixed for any
 2 general primary election, the secretary of state shall arrange all
 3 the names of all the candidates who have filed announcements
 4 with him, as provided by this act, and who are entitled to have
 5 their names printed on any political party ballot in accordance
 6 with the provisions of this chapter, and shall forthwith certify
 7 the same under his name and the lesser seal of the state, and
 8 file the same in his office, and make and transmit a duplicate there-
 9 of by registered mail to the clerk of the circuit court of each
 10 county in the state, in which such candidate or candidates is or
 11 are to be voted for. He shall also post a duplicate of such list
 12 or lists in a conspicuous place in his office, and keep the same
 13 posted until after said primary election has taken place. In case
 14 of emergency, the secretary of state may transmit such duplicate
 15 list or lists by telegraph. Said certifications to be made by the
 16 secretary of state as herein provided, shall give the name and
 17 residence of each candidate; the name of the office for which he
 18 is a candidate; the name of political party of which he is a can-

19 didate; and upon what ballot his name is to be printed as such
20 candidate.

Sec. 10. There shall be a separate ballot of candidates of
2 each political party who may file their petition and pay the as-
3 sessments as required by this act, on different color of paper, and
4 the ballot of no two parties shall be of the same color or tint. The
5 secretary of state shall select and determine the color of the
6 paper of the ballot of each of the respective parties, and shall
7 notify the clerk of the circuit court of each county thereof; at
8 the same time he shall certify the names of the candidates of the
9 various parties to said clerk, as hereinbefore provided.

10 The same color of paper as selected and designated by the
11 secretary of state for any party shall also be used for sample
12 ballot of such party; but there shall be printed across the face
13 of such sample ballot in large letters, the words, "Sample Ballot,"
14 and no sample ballot shall be voted or counted.

15 The secretary of state shall not certify the name of any can-
16 didate to the clerk of the circuit court until and unless such can-
17 didate shall have paid the assessments provided by this act; and
18 the name of no candidate shall be placed on the primary ballot of
19 his party, unless he has paid all assessments required by this act.

Sec. 11. At least fifteen days before the holding of any
2 primary election, the primary ballot commissioners of each county
3 shall prepare from the list and certificates furnished by the sec-
4 retary of state, and the announcements filed with the circuit clerk
5 as herein provided, a sample official primary ballot for each
6 party, placing thereon the names of all candidates of such party
7 to be voted for at said primary election, and publish the same
8 in a newspaper of general circulation published in said county
9 representing such party, if one there be; if not, then in some
10 other newspaper published in said county, in at least two issues
11 of such paper. Said ballot commissioners shall cause the official
12 ballots to be used at said primary election to be printed and
13 distributed as required in case of ballots at any general election;
14 except that the number thereof shall be for each party twice the
15 number of votes cast by such party at the last preceding general
16 election.

Sec. 12. Said official primary ballot shall contain at the
2 left of each column of names of candidates a perpendicular
3 column, and so printed as to leave a square at the left of each
4 name on the ballot.

5 On said primary ballot, the names of candidates for Presi-
6 dent of the United States, United States senator, for representa-
7 tives in congress, and delegates to the national convention of the
8 party shall be placed in the first column of candidates; the names
9 of candidates for all state offices, except judges of the supreme
10 court of appeals, and all other offices to be filled by the voters of a
11 political division greater than a county, including the state ex-
12 ecutive committee, in the second column; the names of all candi-
13 dates for county offices, except judges of the circuit, criminal or
14 intermediate courts, including members of the house of delegates,
15 and congressional, judicial and senatorial committeemen, in the
16 third column; and the names of all candidates for office in the
17 magisterial districts, including members of the county executive
18 committee, shall be placed in the fourth column.

19 The face of every primary election ballot shall conform as
20 nearly as practicable to the form given below, and in all respects
21 the general form of the ballot used, both front and back, shall
22 be that of the ballot used at the general election.

23 The secretary of state, or the circuit clerk, as the case may
24 be, shall arrange the names of the candidates to be printed on
25 the ballot in alphabetical order, according to the surname, under
26 the title of the respective offices for each office division upon the
27 ballot.

28 In printing each set of ballots the positions of the names of
29 the candidates shall be changed in each office division as many
30 times as there are candidates in the office division in which there
31 are the most names. As nearly as possible an equal number of
32 ballots shall be printed after each change. In making the change
33 of position, the printer shall take the line of type containing the
34 first name in each office division and place it at the bottom of the
35 list of names in that division, and shove up the column so that
36 the name that before was second shall be first, after the change.
37 After the ballots are printed they shall be kept in separate piles,
38 one pile for each change of position, and shall then be gathered
39 by taking one from each pile; the intention being that every
40 other ballot as finally gathered and bunched shall have the names
41 in a different position. Sample ballots shall be in the same form
42 as the official ballot, but the names thereon need not be alternated.

OFFICIAL BALLOT OF

The.....Party.

Primary Election....., 19...

To vote for a candidate make an X in the square opposite to and to the left of his name.

	NATIONAL		STATE
	For President: (Vote for one)		For Governor: (Vote for one)
	A. B.		G. H.
	C. D.		I. J.
	E. F.		K. L.
	For U. S. Senator: (Vote for one)		For Auditor: (Vote for one)
	B. A.		H. G.
	D. C.		J. I.
	For Congress: (Vote for one)		For State Senator: (Vote for one)
	L. M.		A. A.
	N. T.		B. S.

COUNTY	DISTRICT
For Sheriff: (Vote for one)	For Justice of the Peace: (Vote for one)
M. N.	W. T.
O. P.	U. V.
Q. R.	W. X.
For Pros. Attorney: (Vote for one)	For Constable: (Vote for one)
N. M.	T. W.
P. O.	U. X.
For House of Dele- gates: (Vote for one)	For County Com- mittee: (Vote for one)
N. M.	T. B.
E. R.	O. H.

43 All ballots used in primary elections shall be printed on
44 paper conforming as nearly as practicable in weight, texture and
45 color, to the samples furnished by the secretary of state, and the
46 paper shall be sufficiently thick that the printing can not be dis-
47 cernible from the back. On the back of the ballot shall be printed
48 in black ink, and in plain, legible, black face pica type the name
49 of the political party as contained in the heading, followed by the
50 word "ballot." Under this designation shall be printed two blank
51 lines followed by the words, "poll clerks."

Sec. 13. On entering the election room, the voter shall an-

2 nounce his name, and if he is duly registered, or has obtained a
 3 transfer as provided by law, he shall sign his name and place of
 4 residence in a book of the party whose ballot he wishes to cast,
 5 which book shall be paged alphabetically, and have at the top
 6 of the page thereon in form and effect the following oath or affirma-
 7 tion with blank spaces properly filled in as to the party and precinct
 8 as indicated: "The undersigned do each for himself severally
 9 swear or affirm that I am a qualified voter of the.....
 10 party, and am a duly qualified resident and voter in precinct
 11 No..... of district
 12 county, West Virginia, and reside at the place designated op-
 13 posite my name signed hereunder; that the one ballot which I am
 14 about to cast will be the only primary election ballot cast this day
 15 by me; that I have neither received, nor do I expect to receive,
 16 anything of value for myself or another, given or promised with
 17 the manifest intent to influence my vote or the vote of
 18 another or others at this time."

19 Having so signed, said voter shall be allowed to cast the
 20 ballot of the party named in said oath or affirmation.

21 Every voter whose name is so signed upon said affirmation
 22 book, shall be conclusively presumed to have taken the same in
 23 due form. Said affirmation book, together with all written affidavits
 24 made at said primary, shall be placed in a strong and durable
 25 envelope and securely sealed by the commissioners of election,
 26 and each commissioner shall write his name across the back of such
 27 envelope, which shall be delivered by one of said commissioners
 28 to the clerk of the circuit court, who shall preserve said affirmation
 29 book in his office, and deliver the affidavits to the foreman of the
 30 grand jury when next in session, as provided by section eighty-
 31 three of chapter three of the code. Those falsely making affi-
 32 davits shall be subject to the same penalties as provided in section
 33 fifty-one of the same chapter, in connection with all other penal-
 34 ties prescribed by law. Section fifty of said chapter three of the
 35 code is specifically made to apply to primary elections.

36 The clerks shall write their names at the place designated
 37 on the back of the official ballot called for, and deliver it to the
 38 voter, who shall have but one ballot, unless he shall return the
 39 same spoiled; if he shall return the same spoiled, the clerks shall
 40 immediately destroy the ballot so spoiled, and deliver to him an-
 41 other ballot in the same manner as they delivered the first one.
 42 The voter shall then forthwith, and without leaving the room,

43 retire alone to the booth or compartment prepared for the pur-
44 pose, and there prepare his ballot. Any voter who so desires
45 shall receive the assistance as provided in section sixty of chapter
46 three of the code.

47 After preparing the ballot the voter shall fold the same so
48 that the face shall not be exposed, but so fold it as to show plainly
49 the name of the political party and the names of the poll clerks
50 signed thereon. The voter shall then announce his name and
51 present his ballot to the commissioner of his party, if there be
52 one, who shall hand the same to another election officer, who
53 shall deposit it in the ballot box; *provided*, that said ballot is the
54 official one properly signed. The poll clerks shall then enter the
55 name of the voter on their respective poll books, and number
56 the same in the order in which the ballot was cast. When the
57 voter has voted, he shall retire immediately from the election room,
58 and beyond the sixty foot limit thereof, and shall not return, ex-
59 cept by permission of the commissioners.

60 If any person is unable to sign the affirmation book, by physi-
61 cal disability or otherwise, the same shall be signed by him by
62 one of the poll clerks, and such person shall make his mark.

Sec. 14. When the polls are closed, the commissioners of
2 election and the poll clerks shall proceed to ascertain the result
3 of the election as follows:

4 First. All ballots remaining not voted shall be immediate-
5 ly destroyed by burning or otherwise, and before the ballot box
6 is opened.

7 Second. The commissioners and clerks shall ascertain from
8 the party affirmation book, and set down therein, the total num-
9 ber of ballots of each party cast.

10 Third. The ballot box shall be opened and one of the com-
11 missioners shall take therefrom one ballot at a time, in the pres-
12 ence of all the other officers, and shall announce what political
13 party's ballot it is, and shall read therefrom the result of the vote
14 on such ballot for each office, and hand the ballot to another of
15 said commissioners differing in politics from himself, who, if
16 satisfied that it is correctly read, shall string the same on a thread.
17 The ballots of each party shall be strung on separate threads.

18 Each poll clerk shall keep an accurate tally of the contents
19 of each ballot of each party on tally papers, which shall be provided
20 for the purpose, so as to show the number of votes received by
21 every person for any office. The ballots shall be counted as they

22 are strung upon the thread, and whenever the number counted
23 for any party shall equal the number of votes entered upon the
24 affirmation book of that party, any other ballot of such party
25 found in the ballot box shall be immediately destroyed by fire
26 or otherwise, without unfolding the same, or allowing any one to
27 examine or know the contents thereof.

28 Fourth. As soon as the results at such precinct are ascer-
29 tained, the commissioners and clerks shall make out and sign four
30 certificates, for each party represented, of the vote for all candi-
31 dates of such party, in the following form:

32 "Certificate of Result forParty Candidates.
33 "We, the undersigned, commissioners and poll clerks of the pri-
34 mary election held at precinct No. of
35 district of.....county, W. Va., on the.....
36 day of 19.., do hereby certify that, having been
37 first duly sworn, we have carefully and impartially ascertained
38 the result of said election at said precinct for the candidates on
39 the official ballot of theparty, and the same is
40 as follows:

41 "For the office of governor, A. B. received.....votes.

42 "For the office of governor, E. F. received.....votes.

43 "For the office of governor, G. H. received.....votes."

44 (And so on as to each office for which any candidate was
45 voted for, stating in words and figures the number of votes cast for
46 each candidate.)

47 "Given under our hands thisday of.... 19....
48"

49 Three of said certificates of result of election for each party,
50 shall then be sealed, in separately addressed envelopes, furnished
51 for the purpose, and said certificates shall be disposed of by the
52 precinct commissioners as follows: One certificate shall be
53 returned, under seal, to the clerk of the county court, with the
54 election returns; one shall be posted on the outside of the front
55 door of the polling place in said precinct; one shall be mailed
56, by said commissioners at the earliest possible opportunity to the
57 clerk of the circuit court of the county; and one for each party
58 shall be sent by registered mail to the secretary of state; *provided*.
59 *however*, that it shall not be necessary for the precinct commis-
60 sioners and clerks to include in the certificates mailed to the
61 secretary of state the votes cast for any candidates for county
62 and district offices, other than for members of the legislature.

63 Any primary election officer who shall wilfully fail, neg-
64 lect or refuse to prepare and return said certificates of result
65 of election in the manner herein provided, shall be guilty of a
66 misdemeanor and fined not less than one hundred dollars, nor
67 more than five hundred dollars, and shall be confined in the county
68 jail not less than three nor more than six months.

69 All ballots voted for candidates of each party shall be sealed
70 up in separate envelopes and the commissioners and clerks shall
71 each sign his name across the seal.

Sec. 15. It shall be the duty of the board of primary ballot
2 commissioners to appoint one of the commissioners of election at
3 each precinct of the county to attend at the offices of the clerks
4 of the circuit and county courts at least three days before each
5 primary election, to receive the ballots, ballot boxes, poll books
6 and all other supplies and material for conducting the election
7 at his precinct, as provided in this act; and the said clerks shall
8 deliver to such commissioner the ballots, ballot boxes, poll books
9 and other supplies, required to be furnished by this act for con-
10 ducting the election at such precinct, and take from him receipts
11 for same, which shall be filed in their respective offices. It shall
12 be the duty of such commissioner to attend at said clerk's office
13 and to receive the said ballots and all other election supplies used
14 in conducting the election at his precinct, and to deliver the same,
15 with the seal of all sealed packages unbroken, at his election pre-
16 cinct, in time to open the election. Said commissioner shall re-
17 ceive the per diem and mileage prescribed by law for this service.

18 In case any commissioner of election so appointed shall fail
19 to appear at the office of the clerks of said county and circuit
20 courts by the close of the second day prior to any election, as
21 required by this section, the board of ballot commissioners, or
22 the chairman thereof, shall forthwith dispatch a special messenger
23 to his precinct with the ballots, poll books, ballot box and other
24 supplies for such precinct. Such messenger shall be allowed two
25 dollars for his time, and five cents per mile for the distance neces-
26 sary to be traveled by him, and shall promptly report to the
27 clerk of the circuit court and file with him receipts of the person
28 to whom he delivered such ballots and other supplies, and his
29 affidavit, stating when and to whom he delivered them.

Sec. 16. If by any accident or casualty the ballot boxes, poll
2 books or any of the other supplies delivered to a commissioner of
3 election or to any messenger shall be lost or destroyed, it shall

4 be the duty of such commissioner or messenger to report the loss
5 forthwith to the board of ballot commissioners, or the clerk of
6 the court from whom the same were obtained, and make affidavit
7 of the circumstances of the loss; whereupon such board or clerk
8 shall at once send a new supply by messenger, as provided in
9 other cases.

Sec. 17. It shall be the duty of the commissioner of elec-
2 tion at each precinct who was appointed to attend at the offices
3 of the clerks of the county and circuit courts, respectively, and
4 receive ballot boxes, poll books and other supplies for his precinct,
5 without delay to return to the clerk of the county court the ballot
6 boxes and the several packages of ballots, poll books, tally sheets
7 and certificates, and all other returns of election, except the
8 packages addressed to the clerk of the circuit court, which shall
9 contain one poll book, one tally sheet, and one certificate of each
10 political party, which package he shall deliver to such clerk. If,
11 for any good reason, such commissioner cannot act, one of the
12 other commissioners shall be selected by them to discharge said
13 duty.

Sec. 18. When any such election is held in a county or dis-
2 trict, the county court sitting as a board of canvassers shall meet
3 at the court house thereof on Friday next succeeding any general
4 primary election, and publicly, carefully and impartially ascer-
5 tain the result of such election in the county and district, and
6 election precincts thereof, and cause to be prepared and recorded
7 in the primary election precinct record book, a table or tables
8 which shall show as to each candidate of each political party for
9 each office, the number of votes cast for him at each precinct, and
10 the total number thereof cast in the entire county.

11 The board shall then make up and enter in said record book
12 a certificate for each political party, showing as to each candi-
13 date for each political party for each office, the total number of
14 votes, (in words and also in figures) cast for him in the entire
15 county, the number of votes received by all the candidates of
16 such party in such district, which shall be in the following form:

17 "The board of canvassers of the county of.....
18 State of West Virginia, having carefully and impartially examined
19 the returns of the primary election held in said county on the
20day of, 19..., do hereby certify that in
21 said county or district at said election, on the official ballot of the
22party for the office of A. B. re-

23 ceived (.....) votes; C. D. received (.....)
24 votes.”

25 And so on for each particular office for each political party
26 according to the truth.

27 When the certificates are all entered, the report shall be
28 signed by the members of the board or a majority thereof. Said
29 members shall also sign separate certificates of the result of said
30 election, within the county, for each of the offices to be filled by
31 each political party, as provided by the next section.

Sec. 19. The certificates of the board of canvassers made
2 pursuant to the preceding section shall be by them disposed of
3 as follows: One of the certificates showing the votes received by
4 each candidate of each party for each office to be filled by the
5 voters of a political division greater than a county, including
6 state committeemen, shall be filed with the secretary of state,
7 and by him preserved in his office, and a copy thereof filed in the
8 office of the clerk of the circuit court of the county of such board
9 to be preserved by such clerk, and which shall be open to public
10 inspection. One certificate showing the votes received by each
11 candidate of each party for each office to be filled by the voters of
12 the county or magisterial district within such county, shall be
13 filed with the clerk of the circuit court, and by him preserved in
14 his office. If requested, the board of canvassers, will furnish to
15 the county chairman of each political party a certificate, show-
16 ing the number of votes received by all the candidates of such
17 party in the county or magisterial district therein.

18 The secretary of state shall certify, under the seal of the
19 state, to the clerk of the circuit court of each county in which
20 a candidate is to be voted for, the name of the candidate of each
21 political party receiving the highest number of votes in the polit-
22 ical division in which he is a candidate, and who is entitled to
23 have his name placed on the official ballot in the general election as
24 the nominee of his party for such office. The secretary of state
25 shall also certify in the same manner the names of candidates
26 nominated by groups of citizens and by political parties polling
27 less than ten per cent of the total vote cast for governor at the
28 general election, except in the election of 1918 the basis of rep-
29 resentation shall be on the election of 1912, who may be nomi-
30 nated as provided in section three and section twenty-three of this
31 act.

Sec. 20. If any vacancy occurs in the nominees of any party

2 after the holding of any primary election, the same shall be filled
3 by the executive committee of that party, in the municipality,
4 county, district or state, as the case may be.

5 In case of a tie for the nomination for any office, the re-
6 spective committees shall choose by lot which of the two tieing
7 shall be the nominee.

Sec. 21. Each candidate to be voted for at a general pri-
2 mary election, except candidates for president of the United
3 States, for membership of committees and delegates to national
4 conventions, shall pay as hereinafter provided, the following sums,
5 respectively: candidates for nomination for United States sen-
6 ator, two hundred dollars; for governor and all other state offices,
7 the sum of two hundred dollars; candidates for member of
8 the United States house of representatives, the sum of two hun-
9 dred dollars; candidates for members of the state senate, the sum
10 of twenty dollars; candidates for county offices as follows: county
11 clerk, circuit clerk, sheriff, assessor, county superintendent of
12 free schools, and prosecuting attorney the sum of twenty-five
13 dollars each; for all county offices the sum of ten dollars each;
14 *provided*, that no fee shall be charged for candidates for the
15 offices of justice of the peace, constable, members of the boards
16 of education and members of the county court; for members of
17 the house of delegates, the sum of ten dollars.

18 The candidates for all offices to be filled by the voters of a
19 political division greater than a county shall, at the time of filing
20 with the secretary of state the nomination, petition and affidavits
21 as required by this chapter, also file a certified check for the
22 amount of their respective assessments, and take receipts for same.

23 The candidates for nomination for all offices to be filled by
24 the voters of a county or district therein, shall pay to the sheriff
25 of the county the amount of their assessments, required by this
26 section, and take from such sheriff duplicate receipts, one of
27 which shall be filed with the chairman of the board of ballot com-
28 missioners.

29 The secretary of state shall apportion the amounts so paid
30 to him hereunder among the several counties entitled thereto,
31 and remit the same to the sheriffs of such counties, within twenty
32 days after the time for filing nomination announcements closes.

33 The sums so paid under the provisions of this section shall
34 be applied in the several counties towards defraying the expenses

35 of the general primary election and the balance, if any, shall be
36 used for county purposes.

37 In the case of municipalities, said fee shall be paid to the
38 municipal treasurer, or corresponding officer, and a receipt issued
39 to him in triplicate. The expense of said general primary elec-
40 tion and the per diem of election officers shall be paid by the
41 county court the same as other election expenses are now provided
42 for and paid by general law; *provided*, that no compensation to
43 any members of any executive committee shall be included in said
44 expense.

Sec. 22. The action of the board of canvassers, or of any
2 political committee, at any primary election, may be appealed
3 from by any candidate thereat, to the circuit court of the
4 county, and from such court to the supreme court of appeals. All
5 such contests shall be governed by the provisions of the
6 code of West Virginia, so far as the same are applicable, as
7 found in chapter six thereof.

Sec. 23. The expense of said general primary election shall
2 be paid by the county court, the same as other election expenses
3 are now provided for by general law; *provided*, that no
4 compensation to any member of any committee shall be
5 included in said expense.

6 Candidates for public offices may be nominated otherwise than
7 by direct primary election or by convention. Political parties hav-
8 ing national organization, and having cast less than ten per cent. of
9 the total vote cast for governor, at the general election held in the
10 year 1912, may, without the payment of fees therefor, nominate
11 candidates for public office otherwise than by conventions or pri-
12 mary elections. In such case, a certificate shall be signed by voters
13 resident within the state, district or political division, for which
14 the candidate is presented, to a number equal to one per cent. of
15 the entire vote cast at the general election held in 1912, in the
16 state, circuit, district, county or other division for which the nom-
17 ination is made; *provided*, that the number of signatures so requir-
18 ed shall not exceed one thousand, nor be less than twenty-five, and
19 need not all be signed on one certificate. No voter signing such cer-
20 tificate shall be counted unless his residence and post office address
21 be designated. Such certificates shall state the name and residence
22 of each of such candidates; that he is legally qualified to hold such
23 office; that the subscribers desire, and are legally qualified to vote
24 for such candidates; and may designate by not more than five

25 words, a brief name of the party which said candidates repre-
 26 sent. Any person, after having voted in a primary election or
 27 convention under the provisions hereof, and who shall sign the
 28 certificate herein provided, and any person having signed the cer-
 29 tificate herein provided for, and who shall vote at any primary elec-
 30 tion or convention hereunder, to nominate candidates to be voted for
 31 at the same election, at which the candidates nominated by the
 32 certificate herein provided for, are to be voted for, shall be guilty
 33 of a felony, and upon conviction thereof, shall be confined in the
 34 penitentiary for not less than one, nor more than three years,
 35 and shall be disqualified for holding any office within the gift of
 36 the people, for a period of ten years from the date of such conven-
 37 tion.

38 Such certificate shall be filed within the time, and with the
 39 same officers as is described by law for the making up of the offi-
 40 cial ballot, and all candidates nominated by the signing of such
 41 certificates shall have their names placed on the official ballot as
 42 candidates otherwise nominated, under the provisions of this act;
 43 such certificate shall be in the following form or to the following
 44 effect, to-wit:

45 State of West Virginia,

46 _____ County, ss:

47 This is to certify that we, the undersigned voters, resident
 48 within the county of _____, State of West Virginia,
 49 do hereby make the following nominations for public office for said
 50 county, to-wit:

For House of Delegates.

51 A— _____ B— _____ Residence, _____ (And
 52 so on to the end of the nominations so made).

53 And we further certify that each of said candidates is legally
 54 qualified to hold the office for which he is nominated and that we
 55 desire, and are legally qualified to vote for said candidates. The
 56 name of the party, which said candidates represent, is _____
 57 _____ (here state it).

58	Signature,	Residence,	Post Office Address.
59	(Names of voters.)	(Describe it.)	(Name of office.)

Sec. 24. All provisions of chapters three and five of the code
 2 of West Virginia, so far as the same are not in conflict with and
 3 are not modified by this act, shall, so far as they are germane;
 4 apply to and are hereby made applicable to the primary elections.

Sec. 25. Any primary election officer, members of any political committee or other person, who shall wilfully fail and neglect to perform any duty by this act required of him, or who shall tamper with, change or destroy any ballot, return or certificate of election, or delay the return of ballot boxes, ballots and other election returns to the county clerk, or wilfully do any other act, the object of which is to destroy any ballot, or the record of any canvass of votes, or in any way wilfully interfere with the utmost honesty and fairness in conducting any such primary election, or in making nominations thereat, and any voter who shall cast more than one primary election ballot on the same day, or who shall vote under a name other than that by which he is generally known, who shall make any false oath, affirmation or affidavit respecting the right of himself or any other person to vote, shall be guilty of a felony, and upon conviction thereof, shall be confined in the penitentiary not less than one year nor more than three years.

Sec. 26. No candidate shall be considered a nominee nor his name be placed on the regular election ballot by the ballot commissioners until said candidate has filed the affidavit required by the corrupt practices act as to the amount of expenses as provided by said act.

Sec. 27. The state executive committee of each party may make such rules for the government of such party, not inconsistent with law, as may be deemed expedient; and it may also revoke, or alter, or amend, in any manner not inconsistent with law, any present or future rules of such party; and all acts of such state or other committees may be reviewable by the courts.

National committeemen shall be elected by the state committee of each respective party, unless the rules of the national party otherwise provide, in which case they shall be elected in the manner provided by the rules of the national party; and all state committeemen shall be elected by senatorial districts.

Vacancies happening at any time in the office of national committeemen shall be filled by the state committee of the respective parties, unless the rules of the national party otherwise provide; and vacancies in all other committees shall be filled as provided in section three of this act.

Nothing in this chapter contained shall be so construed as to prohibit any political committee from appointing any subcommittee of its own members, or other committee charged with

20 any duty named in the order or resolution providing for the
21 selection of said sub-committee; nor the appointment of any
22 campaign or central committee to have charge of the administra-
23 tive or executive work of the political campaign; but no such
24 central committee or sub-committee shall be competent to dis-
25 charge any duties devolved by this chapter on any political party
26 committee, or the members thereof.

Sec. 28. Municipal executive committees shall exercise
2 similar functions and be governed by the same laws in regard to
3 primary elections as county executive committees in regard to
4 general primary elections, so far as the same may be applicable.
5 All expenses of conducting such primary election shall be paid
6 by the municipality.

7 The provisions of this act referring more specifically to pri-
8 mary election shall, so far as the same can be applied, and not oth-
9 erwise provided, govern the conduct of municipal primary elec-
10 tions.

Sec. 29. Between the first and fifteenth day of August, in
2 each year in which a president of the United States is to be elected,
3 each political party shall at some convenient place to be desig-
4 nated by the chairman of the state committee thereof, hold a meet-
5 ing for the purpose, and shall formulate and promulgate a state
6 platform, and select presidential electors for the state at large,
7 and each congressional district. And if at the said election a
8 judge or judges of the supreme court of appeals is or are to be
9 elected, the candidates of such party for such judge shall be
10 nominated, and the name of such candidates for such offices of
11 judge and elector, shall be certified by the officers of said con-
12 vention to the secretary of state.

13 Candidates for judges of the circuit court of the several
14 circuits, as well as judges of the intermediate and criminal courts
15 of those counties having such courts, shall also be nominated
16 by similar conventions in their respective circuits and counties,
17 and the results similarly certified to the clerks of the circuit
18 courts of the counties composing such circuits and counties having
19 such intermediate and criminal courts.

20 The respective executive committees of each party shall have
21 the right and power to adopt such rules as they shall see fit to
22 govern the holding of such conventions, and the number and
23 selection of delegates to the same. Any nominations so made
24 shall have the same force and effect as if made by a primary.

Sec. 30. Of the candidates for each office respectively, including that of party committeemen and delegates and alternates to national conventions, the one receiving a plurality of the votes cast for the candidate for the office by his political party in the territory for which he is a candidate, shall be declared the nominee of his party for the office for which he was a candidate.

Sec. 31. In presidential election years, in addition to the candidates hereinbefore required to be nominated at the general primary election, the qualified voters of each political party shall have the opportunity of voting for their choice among those aspiring to be the candidates of their respective parties for president of the United States. The names of such aspirants shall be printed on the official election ballot of their respective parties, as provided in section twelve of this chapter, upon the filing with the secretary of state the announcement as provided in section eight of this act, and the ballot shall be marked and the vote shall be counted, canvassed and returned under the same condition as to names, certificates and other matters, as the names and certificates of the party aspirants for the party nomination for the office of governor.

Any person or persons who shall become a candidate for delegate or alternate to the national convention as herein provided shall file with his announcement, or include therein, a statement as to whether or not he will support the popular choice of such primary.

Sec. 32. All acts and parts of acts inconsistent and in conflict with this act, are hereby repealed.

CHAPTER 6.

(Senate Bill No. 1.)

AN ACT to amend and re-enact chapter twenty-eight of the acts of one thousand nine hundred and fifteen entitled "An Act to amend and re-enact sections 98-a-I, 98-a-III, 98-a-IV, 98-a-VI, code of West Virginia, edition of one thousand nine hundred and thirteen, (being serial sections one hundred and twenty-one, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-six, one hundred and twenty-seven, and one hundred and thirty-one of said code), relating to the registration

of voters," and also to amend and re-enact sections 98-a-II, 98-a-V, 98-a-VIII, 98-a-IX and 98-a-XII to 98-a-XVI of said chapter, inclusive, also relating to the registration of voters.

(Passed November 28, 1916. In effect ninety days from passage. Approved by the Governor, December 2, 1916.)

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- 98-a-I. County court of each county to hold regular or special session first Monday in March in years President of the United States is to be elected, in all other years, first Monday in May; two registrars to be appointed, one from each of the dominant parties; executive committees, through proper officers, to file writing requesting appointment of competent persons; recommendations to be matter of record; offense and penalty for presenting a false writing; eligibility of registrars and what to be done if suitable person does not reside in precinct; failure or refusal to serve, court or clerk may appoint in vacation; one registrar to perform duties in case other fails or refuses to serve; registrars to take oath.
- 98-a-II. County court to have books and blanks prepared for registration, and clerk to distribute same to registrars of voting precincts; names of voters classified alphabetically; what classification shall cover; penalty for violation.
- 98-a-III. County clerk to notify registrars of appointment; notice also given to chairman of county executive committee; duty of clerk to furnish books and blanks; time registrars shall meet to register names of voters in respective precincts; course to be pursued in case one registrar fails to perform duties; county court may complete and revise registration list; appeal to circuit and supreme court of appeals; method of registering voters and questions to be answered; in case of special election, unnecessary for registrars to list voters, but county court may, under certain provisions of code of West Virginia; penalty for violation.
- 98-a-IV. Registrars must be satisfied as to qualifications of voter, or require affidavit showing right to register; registrars given authority to administer oath; nature and character of oath, and questions to be answered; registrars only permitted to ask questions; persons to be registered who will be qualified to vote on election day.
- 98-a-V. Registrars to require sworn affidavit from voter, if not satisfied as to right to be registered, wherein voter shall give full information required under section four; if affidavit satisfac-

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- tory, voter then to be registered; affidavit may be marked "challenged" and returned to county clerk's office and there preserved; any citizen or voter may appear before county court and have right of voter's registration determined; penalty for making false affidavit.
- 98-a-VI. Registrars to sit together two days commencing first Monday in May when President is to be elected, in all other years first Monday in July; hours for sittings; posting of notices as to time and place; books open for inspection, and to register all qualified voters not heretofore registered; to make out two alphabetical lists of persons entitled to vote, same to be returned to clerk of county court on or before second Monday in May in presidential years, and in other years, on or before second Monday in July; open to public inspection; copies of registration to be furnished upon payment of fee.
- 98-a-VII. (1) County court to convene, and when, for hearing, as to registration of voters, to examine return of registrars and file same; action to be taken in case affidavit is filed on appeal to circuit court; what to be done in case of special elections; county court to adopt registration by registrars at next preceding election; names to be stricken from list, if persons not entitled to vote; in case of omission of names, court to cause names to be registered; county court to correct list returned by registrars and certify thereto; no voter to be stricken from list until after five days' notice, and shall have certain rights; violations, a felony; penalty. (2) County court to transmit to registrars, books of registration twenty days before election; registrars then to correct and complete registration; notice to be given as to time and place of sitting; books open for inspection; to make out two alphabetical lists of voters, giving certain information, and return same to county clerk; fee to be paid registrars; when county court may convene to receive additions to list of voters; time session shall continue; no voter entitled to vote except as herein provided.
- 98-a-VIII. Courts to hold sessions to determine cases involving registration; voter registered may

SEC.	SEC.
	missioners of election; violation of provisions, a misdemeanor; penalty.
98-a-IX. On removal to another precinct, voter may obtain from registrars or county clerk, certificate of transfer; if satisfactory to election commissioners, voter to be registered and allowed to vote; certificate to be preserved and returned to county clerk; when certificate may be issued; issuance of false certificate a felony; penalty.	98-a-XII. To wilfully register name of person not qualified to vote, or reject name of qualified voter, a misdemeanor; penalty.
98-a-X. Clerk to furnish registration book to election commissioners; in special elections, clerk may furnish certified lists of voters; fee allowed clerk.	98-a-XIII. Compensation allowed registrars, and how paid.
98-a-XI. No person allowed to vote unless registered; duty of com-	98-a-XIV. Books of registration to be returned to county clerk; when books shall be destroyed.
	98-a-XV. Act not to apply to municipal elections; duties of municipal authorities.
	98-a-XVI. Person or officer may be compelled by legal proceedings to perform duties of this act.

Be it enacted by the Legislature of West Virginia:

That sections 98-a-I to 98-a-XVI, inclusive, of chapter three of the code of West Virginia, edition of one thousand nine hundred and thirteen, (being serial sections one hundred and twenty-one to one hundred and thirty-six, inclusive, of said code), relating to the registration of voters, be amended and re-enacted so as to read as follows:

Section 98-a-I. The county court of each county in this state shall hold a regular or special session at the court house of their county on the first Monday in March next before the election in the year in which a president of the United States is to be elected, and in all other years in which a general election is held on the first Monday in May next before such election, and shall then appoint for each voting precinct in their county two competent persons as registrars, one each from the political parties, which, at the last preceding election, cast the highest number of votes in the county in which the election is to be held. But, if at any time during said session, the county executive committee of either political party from which said registrars are to be selected through its chairman or secretary, shall present to the court, or shall before any such appointments are made at any time file in the office of the clerk of the county court of said county, a writing signed by the chairman of said committee, on their behalf, requesting the appointment of a qualified voter of their political party, the court shall appoint the person named in such writing as such registrar. Every writing so presented shall be filed, preserved and kept by the clerk of said court in his office.

21 And if it shall appear that said writing was a forgery, and that it
22 was forged by the person presenting the same to the court, knowing
23 it to be a forgery, upon conviction thereof such person shall be
24 confined in the penitentiary not less than one nor more than five
25 years; or at the discretion of the court, he may be fined not less
26 than one hundred dollars, nor more than five hundred dollars,
27 and be confined in the county jail not less than three nor more
28 than six months. No person shall be eligible to appointment as
29 registrar, or in any way act as such who has been convicted of a
30 felony, or who holds any elective or appointive office, or any em-
31 ployee under the laws of the state of West Virginia, or the Unit-
32 ed States; or, who is not a qualified voter in the precinct for which
33 he is appointed, or who cannot read or write the English language,
34 or who is a candidate to be voted for at such election; *provided*,
35 that if in any precinct there should not be a competent person in
36 the opinion of the chairman of the executive committee, or the
37 county court, the chairman of said committee may recommend
38 some competent voter of said county from some other precinct
39 therein, to act as such registrar. If any such registrar shall fail or
40 refuse to serve, the vacancy shall be filled either by the county court
41 or by the clerk thereof, in vacation, in the manner hereinbefore pro-
42 vided for the appointment of registrars, and such clerk shall forth-
43 with notify such person of his appointment as such registrar, and
44 record such appointment in the minute book of said county court.
45 If no appointment is made to fill such vacancy, or if either of such
46 registrars fail or refuse to act, it shall be lawful for the other reg-
47 istrar to register the voters in such precinct, and discharge his du-
48 ties hereunder. Said registrars shall, before entering upon the dis-
49 charge of their duties, take an oath to support the constitution of
50 the United States, the constitution of West Virginia, and to per-
51 form the duties of their office to the best of their ability, and that
52 they are regular members of the party for which they are respec-
53 tively appointed. Said oath shall be filed in the office of the
54 clerk of the county court.

Sec. 98-a-II. The county court shall cause to be prepared
2 suitable books and blanks for the registration of voters and the
3 facts required by this act, and the clerk of said county court
4 shall distribute said books and blanks to the registrars of the
5 respective voting precincts. The books aforesaid shall be so
6 arranged as to admit of the alphabetical classification of the

7 names of the voters and ruled in parallel columns, on which the
8 registrar shall enter, first, the number; second, the names of the
9 persons registered; third, color; fourth, age; fifth, place of
10 birth; sixth, time of residence in precinct, county and state;
11 seventh, if naturalized, the date of the papers and the court by
12 which issued; eighth, date of registration; ninth, place of resi-
13 dence. Any registrar violating any of the provisions of this sec-
14 tion shall be fined not less than fifty dollars and confined in jail
15 not less than thirty days.

Sec. 98-a-III. The clerk of the said county court shall
2 within five days after the appointment of said registrars as afore-
3 said notify each of the said registrars so appointed of his ap-
4 pointment and give the name of the other registrar, which notice
5 may be sent by registered mail. And a copy of said notice shall
6 also be sent to the chairman of the county executive committee of
7 each political party from which said registrars were selected.
8 The clerk shall likewise, on or before the third Monday in March
9 next before the election, in the year in which a president of the
10 United States is to be elected and in all other years on the third
11 Monday in May next before the election, deliver or cause to be
12 delivered, to said registrars, in person, if they shall call at the of-
13 fice of said county clerk for the same, or to the residence or usual
14 place of abode of said registrars, if they shall not call in per-
15 son at said county clerk's office for the same, copies of the books
16 and blanks prepared as aforesaid, for the registration of voters of
17 the respective precincts, and upon the receipt of the said books and
18 blanks, the said registrars shall meet together on the first Mon-
19 day in April next before the election in the year in which a presi-
20 dent of the United States is to be elected, and in all other years on
21 the first Monday in June next before the election, and proceed to
22 register the names of all the qualified voters in their respective
23 precincts and shall endeavor to ascertain and register each and
24 every qualified voter entitled to vote within the precinct, and for
25 this purpose shall visit the usual place of abode of each and every
26 voter; if either one of the registrars refuse or fail to register the
27 voters of his precinct, as herein required, then the other registrar
28 may, in the absence of such registrar, so refusing or failing, pro-
29 ceed to make or complete such registration; and it shall be the
30 duty of such registrar, so refusing or failing to do so, to copy
31 the names of the persons so registered by the other registrar, in
32 his registration book, and if he fails to do so, then it shall be the

33 duty of the county court to have the same done at its sittings, for
34 the purpose of completing and revising said registration list.
35 From the action of the county court an appeal may be taken to
36 the circuit court, and from the circuit court to the supreme court
37 of appeals of this state. And in registering each voter, said reg-
38 istrar shall give the Christian name, and his surname, and shall
39 designate the place of his residence, his age and color, and wheth-
40 er he is a native or foreign born, and such other information as is
41 provided for in the preceding section, which information shall be
42 given in the proper column provided in the books furnished by
43 the clerk of the county court, as hereinbefore provided.

44 *Provided, however,* That when for any purpose a special elec-
45 tion is held in any county, district thereof, or independent district
46 thereof, at any time, it shall not be necessary for the registrars
47 to list or register any of the voters, and the voters shall be listed
48 and registered by the county court as provided in section 98-a-VII
49 of the code of West Virginia. Any registrar violating any of the
50 provisions of this section shall be fined not less than fifty dollars
51 and confined in jail not less than thirty days.

Sec 98-a-IV. Before the registrars shall register the name
2 of any person as a qualified voter, they must be satisfied of his
3 qualifications, or have him make and subscribe the affidavit as
4 hereinafter provided, showing his right to register, and for the
5 purpose of this act they are hereby given authority to administer
6 oaths and they may require the person desiring to register to an-
7 swer under oath the following questions:

8 *First.* Are you a citizen of the United States?

9 *Second.* Are you a native or naturalized citizen?

10 If the person offering to be registered claims to be a natural-
11 ized citizen of the United States he shall produce for the inspec-
12 tion of the officer of registration a certificate or other evidence of
13 his naturalization and also state, under oath, or affirmation, that
14 he is the identical person named therein; but the production of
15 the certificate shall not be required, if the person offering to be
16 registered states, under oath, when and where he was naturalized,
17 that he had a certificate of naturalization, and that against his
18 will the same is lost, destroyed or beyond his power to produce
19 the same; or if he states under oath, that, by reason of the nat-
20 uralization of his parents or one of them, he has become a citizen
21 of the United States, and where and when his parents were
22 naturalized.

23 *Third.* Will you have resided in this state for one year im-
24 mediately preceding the coming election? If so, where have you
25 resided? Name two persons who know of your place or places
26 of residence.

27 *Fourth.* Have you been absent from the state within a year
28 immediately preceding the coming election?

29 (If "Yes," when?)

30 *Fifth.* When you left this state did you leave for a temporary
31 purpose with the intention of returning, or for the purpose of
32 remaining away?

33 *Sixth.* Did you, while absent, look upon or regard this state
34 as your home?

35 *Seventh.* Did you, while absent, vote in any other state?

36 *Eighth.* Will you have resided in this county for sixty days
37 prior to the coming election?

38 *Ninth.* When did you last come to this county?

39 *Tenth.* Are you an actual resident of this precinct?

40 *Eleventh.* Are you twenty-one years of age or will you be
41 such at the coming election to the best of your knowldege and
42 belief?

43 *Twelfth.* What is your occupation and postoffice address?

44 No other question shall be asked the applicant for registra-
45 tion, and no one except the registrars are permitted to ask said
46 applicant any question affecting his qualifications to vote at the
47 time such applicant is applying to said registrars for registration.

48 Every person shall be registered who will be entitled to vote
49 at the first election occurring after the registration by reason of
50 his arriving at twenty-one years of age before the time, or by
51 reason of his having resided for a sufficient length of time in
52 the state and county provided he is otherwise qualified.

Sec. 98-a-V. If said registrars after examining any voter
2 are not satisfied as to his right to be registered, then said regis-
3 trars shall require said voter to make an affidavit in writing, on a
4 blank form to be furnished, which affidavit shall be duly sub-
5 scribed and sworn to by said voter before either of said registrars
6 and in which affidavit said voter shall answer fully the questions
7 giving information as required under section four of this chapter,
8 and if said affidavit shows that he is a voter in said precinct, he
9 shall then be registered by said registrars. Said registrars hav-
10 ing registered such voter upon his affidavit, may mark said affi-
11 davit "challenged", and return the same, with their list of regis-

12 tration, to the clerk of the county court, and said clerk shall pre-
13 serve said affidavit in his office, and either registrar or any citizen
14 or any voter of the county may appear before the county court and
15 have the right of said voter's registration determined by said coun-
16 ty court. And any person who shall wilfully make any such affi-
17 davit falsely shall be guilty of felony, and upon conviction thereof,
18 shall be confined in the penitentiary not less than one nor more
19 than three years; or, in the discretion of the court, may be con-
20 fined in the county jail not less than one nor more than six
21 months.

Sec. 98-a-VI. The said registrars after having completed the
2 registration as far as in their power, shall for the purpose of
3 amending, correcting and completing said registration, sit to-
4 gether at some convenient place within the voting precinct for
5 two days, commencing on the first Monday in May next before
6 the election in the year in which a president of the United States
7 is to be elected, from nine o'clock A. M. to one o'clock P. M., and
8 from two o'clock P. M. to nine o'clock P. M., and in all other years
9 on the first Monday in July next before the election, from nine
10 o'clock A. M. to one o'clock P. M., and from two o'clock P. M.
11 to nine o'clock P. M., and shall give notice of the time and place
12 of their sitting for such registration and correction by posting
13 written or printed notices of the time and place of such sitting
14 for ten days prior thereto, at not less than five of the most con-
15 spicuous places in said voting precinct, one of which shall be at
16 the place of voting in said precinct. And at the time of said
17 sitting the books of registration shall be open for public inspec-
18 tion, and the said registrars, in the manner hereinbefore provided,
19 shall register all qualified voters who have not theretofore been
20 so registered by them, and complete and finish the registration
21 of the voters within their said precinct, and make out two alphabet-
22 ical lists of the registered voters within said precinct entitled to
23 vote at the ensuing election as registered by them, giving the in-
24 formation as to each voter as hereinbefore required, and shall
25 sign and return the same to the clerk of the county court on or
26 before the second Monday in said month of May next before the
27 election in the year in which a president of the United States is
28 to be elected, and in all other years on or before the second
29 Monday in said month of July next before the election, and the
30 same shall be open to the inspection of the public when filed in
31 said clerk's office, until five days prior to the election.

32 Any person desiring a copy of the registered voters made
33 by said registrars as returned by them to the county court; may
34 request the same and the registrars shall make and deliver a copy
35 of said registered voters upon the payment to them of one cent a
36 name for each copy so furnished.

Sec. 98-a-VII. (1) It shall be the duty of the county
2 court of each county to convene in regular or special session on
3 the first Monday in the month next preceding any and every
4 election to be held in that county, including both primary and
5 general election, except those elections in which no registration
6 is required, and on the fifth day preceding any special election
7 in any county, district or independent district; *provided*, that in
8 the year in which a President of the United States is to be elected,
9 the county court of each county shall convene in regular or spe-
10 cial session on the first Monday in May of such year, instead of
11 the first Monday of the month next preceding, for the purpose
12 of hearing any and all matters as to the registration of voters, at
13 which said meeting of the county court they shall examine the
14 returns made to them by the registrars throughout the county,
15 or in case of special election, throughout the county, district or
16 independent district wherein such special election is to be held,
17 and filed with the clerk of the county court as hereinbefore provid-
18 ed, and if they are satisfied that persons have been registered who
19 are not entitled to vote, they shall cause their names to be stricken
20 from the list of voters, and if they should find that persons'
21 names have been omitted by the registrars who should be regis-
22 tered, either because the same have been omitted or by reason
23 of such persons having become entitled to vote since such reg-
24 istration was made, the court shall cause their names to be
25 registered as qualified voters, and an affidavit taken before either
26 one of the registrars, while they are making such registration, as
27 provided in chapter three of the code of West Virginia, one thou-
28 sand nine hundred and thirteen, shall be *prima facie* evidence be-
29 fore the county court that said applicant is entitled to registra-
30 tion in the voting precinct in which he applies for registration, and
31 also *prima facie* evidence on appeal to the circuit court; *provided*,
32 that such affidavit shows that the applicant is entitled to registra-
33 tion; in case of special elections at any time in the county, district
34 or independent district of the county, it shall be the duty of the
35 county court when so sitting five days preceding any such special

36 election as hereinbefore provided, to cause to be registered and list-
37 ed the voters in the county, district or independent district in
38 which such special election is about to be held, and in doing so the
39 county court shall adopt the registration by registrars at the next
40 preceding election prior thereto, and if the county court is satisfied
41 that persons have been registered who are not entitled to vote at
42 such special election, they shall cause their names to be stricken
43 from the list of voters; and if they find that persons' names have
44 been omitted by the registrars who should be registered then,
45 either because the names of same have been omitted or by reason of
46 such person having been entitled to vote since such registration for
47 the then next preceding election, was made, the court shall cause
48 their names to be registered as qualified voters; the county court
49 shall accordingly correct the list so returned by the registrars for
50 such county, district or independent district wherein and wherefor
51 such special election is to be so held, and thereto certify by order
52 entered of record, and thereby the said county court shall be held
53 to have duly registered and listed the voters in such county, dis-
54 trict and independent district wherein such special elections are
55 held; but in no case shall the court cause the name of any voter to
56 be stricken from the registration list, until he shall have had five
57 days notice of the application to strike his name from such regis-
58 tration list and he shall have the right to rebut any evidence pro-
59 duced against him, and shall have his name restored to said list
60 if improperly stricken therefrom. From the decision of the coun-
61 ty court an appeal may be taken by the voters or either of the reg-
62 istrars or any voter of said county to the circuit court of said coun-
63 ty and from the decision of the circuit court an appeal may like-
64 wise be taken to the supreme court of appeals. In no case shall
65 the clerk enter any name on the list of registered voters, or strike
66 any name therefrom except by order of the county court entered
67 of record. And any person other than a registrar who shall enter
68 any name upon the registration list or omit any name from the
69 registration list without an order of the court, entered of record
70 so directing, shall be guilty of a felony, and upon conviction he
71 shall be confined in the penitentiary not less than one nor more
72 than three years for each offense.

73 (2). The county court of each county shall, at least twenty
74 days before any general election, transmit or cause to be trans-
75 mitted to the registrars of said county, the books of registration
76 of their respective precincts, whereupon said registrars for the

77 purpose of further amending, correcting and completing the regis-
78 tration of voters of their precincts, shall sit together at some con-
79 venient place within the voting precinct, two days, beginning on
80 the third Monday next prior to the said election, from 9 o'clock, A.
81 M. to 1 o'clock, P. M. and from 2 o'clock, P. M. to 9 o'clock, P. M.,
82 and shall give notice of the time and place of their sitting for such
83 registration and correction by posting written or printed notices
84 of the time and place of such sitting for five days prior thereto,
85 at not less than five of the most conspicuous places in said vot-
86 ing precinct, one of which shall be at the place of voting in said
87 precinct. And at the time of said sitting the books of registration
88 shall be open for public inspection, and the said registrars in the
89 manner hereinbefore provided, shall register all qualified voters
90 who have not heretofore been so registered by them, and complete
91 and finish the registration of the voters within their said precincts
92 on said day, and make out two alphabetical lists of the registered
93 voters within said precincts entitled to vote at the ensuing election
94 as registered by them giving the information as to each voter as
95 hereinbefore required and shall sign and return the same to the
96 clerk of the county court within three days from the time of said
97 sitting. And for their services each of the said registrars shall,
98 in addition to the compensation hereinafter provided, receive the
99 sum of two dollars per day.

100 And it shall be the further duty of the county court of each
101 county to convene in regular or special session on the Tuesday
102 next preceding any general election to be held in that county, for
103 the purpose of adding to the list of voters of said county the
104 names of any persons who may appear in person before said court
105 and make application for registration, which have been omitted by
106 the registrars who should be registered, either because the same
107 have been omitted, or by reason of such persons having become
108 entitled to vote since such registration was made. But in no event
109 shall the session of said court continue longer than two days, and
110 no voter shall be entitled to register after the adjournment of
111 said session of court, and no voter shall be entitled to vote unless
112 **registered as herein provided.**

Sec. 98-a-VIII. It shall be the duty of the circuit court
2 and the supreme court of appeals to hold such session as may be
3 necessary to determine any cases involving the registration of vot-
4 ers in this state prior to any election, and such cases shall have
5 precedence over all others, but in any case where a voter has been

6 registered by order of the county court or by registrars, he shall
7 be entitled to vote at any election held until such order of the
8 county court or registrars is reversed.

Sec. 98-a-IX. Any voter who shall have been registered in
2 any precinct as hereinbefore provided, and who shall have re-
3 moved from said precinct to another precinct in the same county,
4 may obtain from the registrars of the precinct in which he is
5 registered, or from the clerk of the county court, in case the
6 registration books have been filed with the said clerk, a certificate
7 of transfer and present same to the election commissioners of the
8 precinct wherein he resides, and if the commissioners of election
9 in such precinct shall be satisfied that such voter is a legal resi-
10 dent in the precinct wherein he offers to vote they shall register
11 such voter and allow him to vote. When said certificate is issued
12 the name of said voter shall be stricken by the registrar, or the
13 clerk of the county court, from the books from which said certifi-
14 cate is issued, and such certificate shall be preserved by the
15 commissioners and returned with the election returns to the clerk
16 of the county court. But no certificate shall be issued by any
17 registrar or clerk later than the Saturday next preceding any elec-
18 tion. And any clerk or registrar issuing a false certificate wil-
19 fully hereunder, shall be guilty of a felony, and, upon conviction
20 thereof, shall be confined in the penitentiary not less than one
21 nor more than three years.

Sec. 98-a-X. The clerk of the county court shall furnish
2 one of said registration books filed with him by the registrars to
3 the election commissioners of the respective voting precincts, with
4 the ballot boxes and other election supplies to be used by them
5 in the conduct of the election in their said voting precincts.

6 *Provided*, That in case of special elections in the county,
7 district and independent districts, of the county, instead and in
8 lieu of such registration books, the clerk of the county court shall
9 furnish a certified list of the voters of the respective precincts,
10 as listed and registered by the county court for such special elec-
11 tion, to the election commissioners of the respective voting pre-
12 cincts with the ballot boxes and other election supplies to be
13 used by them in the conduct of the election in their said voting
14 precincts; for which services in case of special election the county
15 clerk shall receive two cents a name for each copy so furnished
16 by him to be allowed by the county court payable out of the

17 treasury of the county court, district or independent district,
18 wherein is held such special election.

Sec. 98-a-XI. No person shall be allowed to vote at any
2 election hereafter held in this state unless he shall have been reg-
3 istered as herein provided and the commissioners of every election
4 shall allow only those to vote whose names appear upon the reg-
5 istration books furnished by the clerk of the county court to them,
6 or who present a proper certificate of transfer, as herein provided.
7 And any commissioner of election who shall wilfully violate any
8 of the provisions of this act shall be deemed guilty of a misde-
9 meanor, and upon conviction thereof sha'll be fined not less than
10 fifty nor more than one hundred dollars, and imprisoned in the
11 county jail not less than ten nor more than ninety days for
12 every such offense.

Sec. 98-a-XII. Any registrar or county clerk who shall
2 wilfully register the name of any person not a qualified voter in
3 his precinct, or wilfully reject from registration the name of any
4 such qualified voter, shall be guilty of a felony, and upon con-
5 viction thereof shall be confined in the penitentiary not less than
6 one nor more than five years; and any registrar who shall fail to
7 perform any other duty required of him under this act shall be
8 guilty of a misdemeanor and upon conviction shall be fined not
9 less than fifty nor more than one hundred dollars, and confined
10 in the county jail not less than one nor more than six months,
11 in the discretion of the court,

Sec. 98-a-XIII. Each of said registrars shall receive as com-
2 pensation for their services under this act the sum of ten cents
3 for each name so registered by them, to be allowed by the county
4 court payable out of the county treasury. But if the registration
5 of voters is made necessary by the calling of a special election
6 in a district, independent district, or municipality, the compensa-
7 tion thereof shall be paid by the board or body calling said election
8 out of any fund at their disposal.

Sec. 98-a-XIV. The commissioners of election shall return
2 the registration books of such election precinct, together with the
3 ballot boxes, and election returns to the clerk of the county court
4 and at the end of one year from the date of each general election
5 the clerk of the county court shall destroy such registration books
6 by fire.

Sec. 98-a-XV. This act shall not apply to municipal elections held in cities, towns and villages, but the law-making power in any city, town or village, may adopt the provisions of this act and may change the time of making the registration and making return thereon, and may provide that the duties to be performed by the county court hereunder shall be performed by such municipal authorities as may be named in such ordinance or act, and when so adopted and modified the same shall be applicable to such city, town or village.

Sec. 98-a-XVI. Any and all duties required of any person or officer by this act, may be enforced and compelled to be performed by such person or officer or court by writ of mandamus or other proper legal proceedings issued by the circuit court of said county, or the supreme court of appeals.

CHAPTER 7

(H. B. No. 8.)

AN ACT making appropriations of public moneys to pay the per diem and mileage of the members, officers and attaches of the extraordinary session of the legislature of one thousand nine hundred and sixteen.

(Passed November 28, 1916. In effect from passage. Approved by the Governor, December 2, 1916.)

SEC.

1. Appropriations authorized for mileage and per diem of members, officers and attaches of the legislature, extraordinary session, 1916.

SEC.

2. Authorizing and directing the auditor to issue his warrants on the treasury upon requisition of clerk of the senate and sergeant-at-arms of the house.

Be it enacted by the Legislature of West Virginia:

Section 1. That there be and are hereby appropriated out of the public treasury, for the payment of the mileage and per diem of the members, officers and attaches of the extraordinary session of the legislature of one thousand nine hundred and sixteen, the following sums of money:

House of Delegates.

To pay the mileage of members, officers and attaches, \$3,936.60.

To pay the per diem of the members, \$3,006.00.

To pay the per diem of the clerk and for services preliminary to the extraordinary session, \$190.00.

- 12 To pay the per diem of the sergeant-at-arms, \$45.00.
13 To pay the per diem of the secretary to the speaker, \$54.00.
14 To pay the per diem of the committee clerk, \$54.00.
15 To pay the per diem of the clerk to the sergeant-at-arms,
16 \$54.00.
17 To pay the per diem of the two assistants to the sergeant-at-
18 arms, \$108.00.
19 To pay the per diem of the four floor pages, \$108.00.
20 To pay the per diem of the journal page, \$36.00.
21 To pay the per diem of ten assistants to the clerk, \$576.00.
22 To pay the per diem of the stenographer to the speaker,
23 \$54.00.
24 To pay the per diem of the stenographer to the committees,
25 \$54.00.
26 To pay the per diem of the cloakroom keeper, \$36.00.

Senate.

- 27 To pay the mileage of members and officers, \$1,144.30.
28 To pay the per diem of the members, \$1,062.00.
29 To pay the per diem of the clerk and for services preliminary
30 to the extraordinary session, \$190.00.
31 To pay the per diem of ten assistants to the clerk, \$540.00.
32 To pay the per diem of the stenographer to the clerk, \$54.00.
33 To pay the per diem of the page to the clerk, \$27.00.
34 To pay the per diem of the clerk to the special committee,
35 \$54.00.
36 To pay the per diem of the clerk to the committee on en-
37 grossed and enrolled bills, \$54.00.
38 To pay the per diem of the sergeant-at-arms, \$45.00.
39 To pay the per diem of the assistant sergeant-at-arms, \$45.00.
40 To pay the per diem of the doorkeeper, \$36.00.
41 To pay the per diem of the assistant doorkeeper, \$36.00.
42 To pay the per diem of the stenographer to the president,
43 \$54.00.
44 To pay the per diem of the mailing and banking page, \$36.00
45 To pay the per diem of the two journal pages, \$72.00.
46 To pay the per diem of the eight floor pages, \$144.00.
47 To pay the per diem of the two cloakroom keepers, \$54.00.
48 To pay the per diem of day watchman, \$36.00.
49 To pay the per diem of night watchman, \$36.00.

Janitors.

- 50 To pay the per diem of the janitor, extra compensation dur-
 51 ing this extraordinary session, \$27.
 52 To pay the per diem of Robert Clay, \$45.00.
 53 To pay the per diem of B. A. Sisson, \$42.00.
 54 To pay the per diem of C. I. Parker, \$36.00.
 55 To pay the per diem of John Price, \$39.00.
 56 To pay the per diem of Sam Mack, \$27.00
 57 To pay the per diem of two charwomen, \$27.00.

Sec. 2. The auditor of this state is authorized and directed
 2 to issue his warrants upon the treasury for such amounts as are
 3 or may become due to the several members, officers and attaches of
 4 the senate and the house of delegates, upon the proper requisition
 5 of the clerk of the senate and the sergeant-at-arms of the house of
 6 delegates, respectively.

HOUSE CONCURRENT RESOLUTION NO. 1.

“Raising a joint committee to wait upon the Governor.”

(Adopted November 20, 1916.)

Resolved by the House of Delegates, the Senate concurring therein:

That a committee of three on the part of the house of delegates, and two on the part of the senate, be appointed to jointly wait upon the governor and notify him that the legislature is now in extraordinary session, pursuant to his proclamation dated November 15, 1916, with a quorum of each house present, and awaits any communication he may desire to make. The members of said committee to be appointed, respectively, by the speaker of the house of delegates and the president of the senate.

ordinary session of the legislature of one thousand nine hundred

HOUSE CONCURRENT RESOLUTION NO. 2.

“Authorizing the Auditor to issue warrants for the mileage and per diem of members, officers and attaches.”

(Adopted November 22, 1916.)

Resolved by the Legislature of West Virginia:

That the auditor is hereby authorized to issue his warrants upon the treasurer for such amounts as are, or may become due to the several members, officers and attaches of the senate and house of delegates, for their per diem and mileage, upon the proper requisition

of the clerk of the senate and the sergeant-at-arms of the house, respectively.

SENATE CONCURRENT RESOLUTION NO. 2.

“Providing for printing and distributing the acts of this extraordinary session.”

(Adopted November 28, 1916.)

Resolved by the Senate, the House of Delegates concurring therein:

That the clerks of the two houses are hereby directed to have printed four thousand copies of the acts of the present session of the legislature, to be bound in cloth binding, each member to receive twenty-five copies and the remainder to be delivered to the secretary of state for disposition under the law and public distribution, and one thousand advance copies in paper binding to be also delivered to the secretary of state for similar disposition; that the sum of fifteen dollars out of the contingent fund of the senate and twenty-five dollars out of the contingent fund of the house, is directed to be paid by the auditor, upon proper warrants drawn upon the treasurer, on the requisition of the two clerks, respectively, to cover the expense of wrapping and mailing the copies herein provided to be sent to the members.

Resolved, further, That the time of the clerks of the two houses, and one assistant to each, is extended twenty days, to enable them to comply with the terms of this resolution by proof reading, printing and distributing the acts as herein provided, the same to be paid out of the contingent funds of the two houses, upon the requisitions of the clerks, respectively, and upon warrants drawn by the auditor upon the treasurer.

HOUSE CONCURRENT RESOLUTION NO. 3.

“Raising a joint committee to wait upon the Governor.”

(Adopted November 28, 1916.)

Resolved by the House of Delegates, the Senate concurring therein:

That a joint committee be appointed, consisting of two members on the part of the senate and three on the part of the house of delegates, to wait upon his excellency, the governor, and inform him that the legislature is now ready to adjourn, *sine die*, and ask him if he has any further communication to make.

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